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THE INDIAN ANNUAL REGISTER

An Annual Digest of Public Affairs of India

**Recording the Nation's Activities each year in matters Political,
Economic, Industrial, Educational, Social Etc.**

1919 - 1947

Volume I] 1925 [Volume I

Edited by

H.N. MITRA M.A.B.L

**Introduction
by**

BIPAN CHANDRA

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PRINTED IN INDIA

**Published by Mrs. Gayatri Garg for Gian Publishing House,
New Delhi 110002.**
Printed at Goyal Offset Works, Delhi.

PREFACE.

It is a painful duty on the part of the present editor to record the untimely death of the founder of the Annual Register, the Late Prof. H. N. Mitra, his revered elder brother, on the 29th September last. Naturally this unexpected incident has entailed some delay in the publication of this edition and we trust our readers will appreciate the difficulties which we were put to in sending this edition to the press in time. We hope in our next issue we will try to remedy whatever defects there may be in this publication and also to make the publication more timely.

Owing to want of space the proceedings of the Council of State and Bombay, Madras, Assam and Behar and Orissa Councils could not be given in this volume. It is proposed, however, to incorporate the proceedings of those Councils for the whole year in the next issue.

Like the last issue, this issue too has become wholly political, and though important educational and economic affairs have happened during the period, space could not be found for them in this volume too. Experience shows that political matters alone occupy so much space that it is not possible to incorporate other matters in the quarterly issues of this Register. It is proposed, therefore, to issue a special Annual Supplement on Industrial, Economic and Educational affairs after the publication of the 2nd volume.

We beg to express our grateful acknowledgment to Sardar Gurbachan Singh, Editor, "Akal Nirmal Gazette", Tarn Taran, for his very kindly placing at our disposal papers on Sikh Movement. We have taken full advantage of them in this issue.

THE QUARTERLY REGISTER

Jan.-June 1925.

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Chronicle of Events

January 1925

- 1 Jan. '25 Publication of New year's Honours List, Messrs. A. C. Chatterjee and M. B. Dadaboy made K.C.I.E., Mian Fazli Hossain and Dr. H. S. Gour Knighted.
Important statement published showing the reasons which moved His Excellency the Governor-General in the exercise of the powers conferred upon him by section 81 (2) of the Government of India Act to assent to the Madras Hindu Religious Endowments Act of 1924.
The Anti-Untouchability Conference at Beigam under the Presidency of Mr. C. R. Reddy passed resolutions dealing with recommendations for the election of special representatives for the formation of special electorates, for reserving a certain number of regiments or companies for depressed classes, and for establishing boarding schools and special scholarships.
- 2 Jan. '25 Bengal National Chamber of Commerce issued mandate to vote against the new Ordinance Bill to Raja Ramesh Kesh Law and Annalya Dhone Addy, its representatives in the Bengal Council.
Akali Jathas from Canada—thirty-nine left for Jaito.
Acceptance of officers by Swarajists—Pandit Motilal's Denial.
The All-India Railway passengers' Conference at Beigam under the presidency of Mr. Vithalbhai Patel.
- 3 Jan. '25 Lala Lajpat Rai and Moul, Shaukat Ali at Madras : collections for Kohat relief—Lala Lajpat Rai's message in Madras : "To be Free or Die."
"Bombay Chronicle's" appeal to Muslim Councillors on the Ordinance : "Don't play into the hands of the bureaucracy."
At a meeting of the Liberals in Calcutta Sir P. C. Mitter suggested that if Provincial Autonomy was granted immediately the leaders of all parties, including Messrs. Gandhi, Das and Nehru, would accept it.
- 4 Jan. '25 Pandit Nehru contradicts the rumour of the acceptance of ministry by the Swarajists.
Indian Economic Conference at Benares : Hon. Samaldas presides (p. 420).
- 5 Jan. '25 Land-holders' Conference at Calcutta—Maharaja of Darbhanga presides.
Madras Khilafat Conference—Shaukat Ali presides.
Mr. V. J. Patel re-elected Chairman, Bombay Corporation
- 6 Jan. '25 Lala Lajpat Rai's address in Madras. "Not one inch of Indian Soil to any foreigner."
The All-Bengal Muslim Conference held in Calcutta adopted resolutions condemning the action of the Government in promulgating the Ordinance and calling upon Muslim members of the Bengal Legislative Council to oppose strongly this reactionary measure.
- 7 Jan. '25 16th Session of Bengal Council, Lord Lytton's address justifying the introduction of the Bengal Criminal Law Amendment Bill of 1925. Sir H. Stephenson's leave to introduce the Bill disallowed. Deshbandhu Das attends the Council from sick bed. Admission to visitors banned (p. 125).
- 8 Jan. '25 Kathiawar Political Conference at Bhavnagar ; Mahatma Gandhi Presides (p. 409).
The Conference of the Presidents of Provincial Legislatures concluded in Delhi after two days' session—the proceedings were private.
His Excellency Sir William Marris opened the first All-India Art Exhibition at the Kaiser Bagh, Lucknow.
- 10 Jan. '25 Amendments made to Legislative Rules regarding the election of President by the Legislative Assembly and the Provincial Legislative Councils.

His Excellency Sir. Frank Sly, Governor of the Central Provinces, announced in the course of the Durbar address the future policy of the Government, and said that the Legislative Council would again be given an opportunity of working the constitution in the manner in which it was primarily intended that it should be worked.

- 11 Jan. '25 Removal of Political prisoner Bhopendra Nath Dutt to unknown destination.
Mahatma's message to Mr. C. R. Das on Council victory—"Warmest congratulations. Great victory. Glad you are better."
Special session of Jamiat-ul-Ulema at Moradabad under the Presidency of Maulana Mohd. Hajjad.
The Executive Committee of the Swarajya Party in the Central Provinces, after discussion with the Swarajist members of the C. P. Council on the present political situation, adopted a resolution not to accept office and to oppose the Government by all legitimate means.
- 12 Jan. '25 Executive Committee of All-India Swaraj Party met at Nagpur: sub-committee formed for the working out of new programme of action in C. P. Council—"Oppose the Govt."
12th Session of Indian Science Congress at Benares. Dr. M. O. Ferrarier presides.
The Hindus and Muhammadans of Kohat signed a reconciliation agreement.
- 13 Jan. '25 Resolution on the Bengal Ordinance in Assembly disallowed by Viceroy.
End of Babbar Akali Trial at Lahore: 67 found guilty.
- 14 Jan. '25 The Third Convocation of the Gujarat Vidyapith performed by Mahatma Gandhi in the new buildings of the Vidyapith at Ahmedabad. In view of the reconciliation agreement between Hindus and Muslims, all persons arrested in connection with the Kohat riots, except Jiwan Das, were released on bail.
- 15 Jan. '25 The Journalists' Association of India held its annual general meeting in Bombay when the annual report of the Executive Committee was adopted; Dr. Annie Besant was elected President.
- 16 Jan. '25 Khan Bahadar Seikh Abdul Qadir elected President, Punjab Council.
- 17 Jan. '25 Railwaymen's Conference at Gorakhpur. Dr. Muntjal presides.
In the Punjab Council the resolution recommending that Government should invariably offer land in exchange for any land acquired in future under the Land Acquisition Act was carried.
- 18 Jan. '25 His Excellency the Governor of Bengal certified the Bengal Criminal Law Amendment Bill under Section 72E (1) of the Government of India Act.
- 19 Jan. '25 Regarding the certification of the Ordinance Sir P. C. Mitter, ex-Minister, said that it was not at all a matter for surprise and that he had all along expected it.
Punjab Council in concluding its session recommended that Revenue Officers be directed not to take up and try in camp Revenue Courts cases of any description.
- 20 Jan. '25 Lord Reading opens the Assembly at Delhi (p. 153).
- 22 Jan. '25 All Parties' Conference at Delhi.—Mahatma Gandhi presides (p. 65).
Protest meeting at Poona in connection with the Nizam's Gulbarg Firman.
- 24 Jan. '25 All Parties' Conference at Delhi. Sub-Committee formed for drafting proposals of the Unity Conference (p. 67.)
Arrest of Protap Ch. Guha Roy on charge of sedition.
Indians Overseas: H. H. the Maharaja of Bikaner sent a telegram to Sir Dinshaw Petit, President of the deputation that waited on His Excellency the Viceroy at Delhi with regard to the Indian situation in South Africa.
- 25 Jan. '25 Sir M. Butler takes over charge as Governor of U. P. from Sir Frank Sly.
- 26 Jan. '25 In the Assembly Sir Charles Innes' resolution re. bounty to the Indian Steel Industry carried (p. 159)
- 27 Jan. '25 In the Assembly Mr. Raja's resolution on Currency Committee carried (p. 163).

Viceroy withholds sanction to Pt. Moharr's Bill to suspend Bengal Ordinances.

- 26 Jan. '25 Debate on the Bengal Ordinance in the Assembly (p. 168).
Indian Deputation to the Viceroy on the disabilities of Indians in South Africa (p. 378)
- 29 Jan. '25 S. Subhas Ch. Bose and other political prisoners sent to Burma.
- 30 Jan. '25 Chittagong Islamia Conference breaks up in a fiasco.
All Bengal Muslim Union at Serajganj. Move against Swarajists fails.
Sja Subhas Chandra Bose and Satyendra Chandra Mitra, state prisoners, brought to Rangoon Jail.

February 1925

- 3 Feb. '25 Labour Party in India formed—Lala Lajpat Rai elected President, Dewan Bahadur Swami Karna Pillay elected President of the Madras Legislative Council.
Moslem conference at Serajganj—Resolutions on formation of All-Bengal Moslem Union and revival of presidency Moslem Educational Association.
Annual Meeting of the Calcutta European Association, Mr. H. W. Carr Presides (p. 107)
- 8 Feb. '25 Non-official victory in Assembly. Mr. Patel's Bill for repealing oppressive laws introduced. Mr. Pal's challenge about revolutionary methods.
- 8 Feb. '25 Emphatic Denial by Deshbandhu Das and S. Sen-Gupta of the Swarajists acceptance of office.
Adjourned Debate on Bengal Ordinance—Mr. Doraiswamy Iyengar's resolution carried in the Assembly (p. 174).
- 7 Feb. '25 Govt. House Conference of the Party Leaders of the Bengal Council (p. 184).
- 9 Feb. '25 Meeting of Swaraj Party in Assembly—Election of office-bearers—Pt. Motilal re-elected leader.
Seventh session of Non-Brahmin Conference at Madras. Dewan Bahadur Nair presides.
Independent party's executive elected in the Assembly—Mr. Jinnah re-elected president.
All-India Postmen's conference at Delhi, Dr. Jellani, M.L.A., presides.
- 10 Feb. '25 Mr. Patel's Bill to repeal Repressive Laws introduced—debate adjourned (p. 180).
- 12 Feb. '25 Resolution for the representation of Indians in Tanganyika to the League of Nations passed in the Assembly in spite of strong Government opposition (p. 181).
Mr. V. J. Patel congratulated by the Bombay Corporation for refusing to attend viceregal entertainments.
- 13 Feb. '25 Mr. J. M. Sen Gupta published his statement made at the Govt. House Conference (p. 185).
- 17 Feb. '25 Memorial to the Assembly Members by a State prisoner making ghastly revelations about secret service men and "Agents Provocateurs."
Dr. Gour's motion for Supreme Court for India rejected in the Assembly. (p. 187).
Sir Abdur Rahim's motion for the provision of Minister's salaries passed in the Bengal Council—Mr. C. R. Das absent owing to ill-health. (p. 186).
- 18 Feb. '25 Salary of Bengal Council President fixed at Rs. 3,000 a month.
Monster meeting in Bombay. Mrs. Sarojini Naidu presides.
Tariff Act Amendment Bill introduced in the Assembly.
- 19 Feb. '25 Mr. Raju's resolution for the establishment of Military College in India passed in the Assembly (p. 189).
Presentation of the Budget in the Bengal Council.

- 29 Feb. '25 Railway Budget presented in the Assembly. (p. 193).
- 32 Feb. '25 U. P. Moslem League at Allahabad; Syed Ali Nabi President.
- 23 Feb. '25 Council of State rejects Mr. Karandikar's motion to repeal the Criminal Law Amendment Act.
Publication of the report of the Swaraj Sub-Committee of the All-Parties Conference. (p. 73).
- 24 Feb. '25 Prof. Quliwani released from Nabha jail.
Gulbarga riot prisoners released by Nizam's order.
- 25 Feb. '25 Censure motion for the non-appointment of Indians in the Railway Board passed in the Assembly.
Pt. Motilal's motion for the rejection of Railway Budget defeated in the Assembly—Independents siding with the Government. (p. 209).
- 26 Feb. '25 Mr. Joshi's censure motion regarding grievances of third-class passengers passed in the assembly.
Permission to Mahatmaji's visit to Kohat refused by the Viceroy.
Mr. Naghabendra Rao and Dr. Moonji deny the false report of the acceptance of Ministry by C. P. Swarajists.
- 28 Feb. '25 Mr. C. R. Das's manifesto: re, Swarajists and Bengal Ministry (p. 143.)
Government of India Budget presented. (p. 213).

March 1925

- 2 Mar. '25 Removal of Lawrence statue motion lost in the Punjab Council (p. 332).
- 3 Mar. '25 Lord Lytton's appointment as officiating Viceroy announced.
C. P. Governor's appeal to Swarajists to vote supplies.
House of Commons debate on India and the Communist Scare (p. 332.)
- 4 Mar. '25 Mr. Tambe (Swarajist) elected President of the C. P. Council.
Indianisation of Army—Discussion in the Assembly.
C. P. Council recommends vernacular to be the medium of instructions in schools.
C. P. Council President's Salary fixed Rs. 1,000 a year.
- 5 Mar. '25 Bombay Millowners decided to close work from 1st April as a protest against Cotton Excise duty.
Oudh Chief Court Bill passed in the U. P. Council (262).
- 6 Mar. '25 Pt. Malaviya's motion for adjournment of the debate of Cotton Excise duty carried in the Assembly (p. 232).
In the Assembly Mr. Lalbhai's motion refusing to vote grants for the Cotton Excise duty (p. 230).
- 7 Mar. '25 Mahatma Gandhi receives address of the Mairas Corporation.
- 8 Mar. '25 All-India leaders confer with Deshbandhu Das at Patna.
- 9 Mar. '25 Swaraja Party meeting at Patna adjourned.
Mahatma Gandhi arrives at Vaikom as guest of Maharani Regent of Travancore.
Bengal Governor announces the appointment of Ministers (p. 143).
- 10 Mar. '25 Indian leaders condemn majority report of the Reforms Enquiry Committee just published.
- 12 Mar. '25 Demand for provision for establishment for collection of cotton excise duties defeated in the Assembly.
Govt. of India announced its decision regarding the Cotton Excise duty (p. 233).
Pt. Motilal moves adjournment of the Assembly to discuss the Muddiman Report.
- 13 Mar. '25 C. P. Council votes Rs. 2 as Ministers' salary.
- 14 Mar. '25 Demand for the Executive Council refused in the Assembly (p. 239).
C. P. Council adjourned to discuss the Reform Enquiry report.

- 16 Mar. '25 Swarajist opposition to taking the Finance Bill into consideration defeated in the Assembly.
sitting of the Taxation Enquiry Committee in Calcutta.
- 17 Mar. '25 Reduction of Salt Tax by the Assembly
- 19 Mar. '25 Mr. Patel's Bill repealing the Repressive Laws passed by the Assembly.
- 21 Mar. '25 Assembly carried the Council of State's amendment restoring the Salt Tax at Rs. 1/4.
- 22 Mar. '25 Government Bill to supplement the Bengal Ordinance defeated in the Assembly. (p. 249).
Motion for reduction of Ministers' Salaries carried in the Bengal Council (p. 151).
- 24 Mar. '25 Motion for reduction of Ministers' salaries rejected in the Madras Council.
Viceroy certifies the Bengal Cr. Law. Amendment Act.
- 25 Mar. '25 Nationalists of Bengal walk out of the Council Chamber in protest dissatisfied with the President's ruling.
Bengal Governor resumed charge of the Transferred Departments.
- 26 Mar. '25 Council of State passed the Bengal Criminal Law Amendment Bill.
Bengal Council prorogued.
Gandhi-Shankar Ali Statement on the Kohat Tragedy published (p. 97).
- 27 Mar. '25 Lord Rawlinson, the Commander-in-Chief, expired.
- 28 Mar. '25 Viceroy granted four months' leave to proceed home.
- 31 Mar. '25 Deshbannhu Das in an appeal to young Bengal condemns policy of violence
U. P. Council recommends total abstinence.
House of Lords Debate on the Bengal Ordinance (p. 313).

April 1925

- 1 April '25 Messrs. Patel and Mehta spoke on the Swarajists' work in Assembly as a Bombay meeting and strongly condemned the Independents' tactics.
Messrs. C. R. Das and S. Suhrawardy re-elected Mayor and Deputy Mayor respectively of Calcutta Corporation.
Viceroy certified the Bengal Ordinance and the rejected demands in the Assembly. (p. 255).
House of Lords Debate on the Indian Services Bill (p. 324).
- 2 April '25 Taxation Enquiry Committee's Calcutta sitting concluded.
- 3 April '25 Mr. C. R. Das's reply to Lord Birkenhead's invitation published from Patna.—"No Co-operation in present Repression." Mr. Das invites Lord Birkenhead for a searching enquiry into the cause of the revolutionary movement.
Bombay Industrial Mill Strike—Sir Dinshaw Petit's warning to Govt. :
"The Mill industry was doomed unless Govt. came to their help"
Expenditure on Viceroy's visit to England—question disallowed in the Assembly.
- 6 April '25 Mr. J. Baptista elected President of the Bombay Corporation.
- 7 April '25 Rao Bahadur T. Chetty elected President of the Madras Corporation.
- 10 April '25 Sir John Kerr sworn in as Governor of Bengal; Lord Lytton assumes office of Viceroy.
- 11 April '25 All-India Hindu Mahasabha at Calcutta. Lala Lajpat Rai presides. (p. 377)
The Karachi European Association on Reforms and Communal question. (p. 108).
- 13 April '25 The Punjab European Association on the blessings of British rule (p. 110).
- 16 April '25 Calcutta Corporation presents address to Lala Lajpat Rai and Pandit Manavya.

- 18 April '25 Assam Students' Conference—Mr. C. F. Andrews presides.
- 21 April '25 Dr. Protap Ch. Gaha Roy sentenced to 3 years' B. I. and fine of rupees one thousand on charge of sedition by the Additional Magistrate Ahpur. Publication of the Report of the Gardwara Bill by the S. G. P. C.—approved by Viceroy.
- 22 April '25 Serious Communal Riot at Madura.
- 24 April '25 Sij. Satyendra Ch. Mitter, Ordinance Prisoner, re-elected unopposed to the Bengal Council.
- 26 April '25 Mag. Thaw of the Buddhist Aaram, Burma sentenced to one year's B. I. on charge of delivering seditious speech. Dr. Besant addressed a crowded audience at Madras on "How to agitate for the commonwealth of India-Bill"—Mr. Srinivasa Sastry presided.
- 27 April '25 National Liberal Federation's Memorandum on the proposed formation of an Indian Reserve in the Lowlands of Kenya published (p. 361).
- 29 April '25 The Bombay European Association on Co-operation with Indians (p. 110).

May 1925

- 1 May '25 Mahatma Gandhi in Calcutta—addressed a public meeting at Mirzapur Park reiterating his firm conviction on the Triple Programme and paying a glowing tribute to Mr. Das's latest sacrifice of dispossessing himself of the Russa Road House.
- 2 May '25 The Bengal Provincial Conference at Faridpur. Deshbandhu Das presides. "Swaraj as Commonwealth of Nations. Violence in Government begets violence in subjects." Bengal Swaraj Party's 'Village Organisation Programme' published. Mahatma Gandhi opened Swadeshi and Agricultural Exhibition at Faridpore. Moslem Conference at Faridpore. Mr. A. K. Fazlul Huq presides. Provincial Hindu Sabha at Faridpore. Sir P. C. Roy presides.
- 4 May '25 Pungal Provincial Conference concluded its session. Repressive policy condemned; repudiation of guilt of Ordinance prisoners. Sir Surendranath's statement attacking the Swarajists published in the press.
- 5 May '25 Bengal Governor certified the rejected Budget grants (p. 152a).
- 6 May '25 Mahatma Gandhi lays the foundation stone of Astanga Ayurved College. 2nd Reading of the Colour Bar Bill passed in the South African Union Assembly.
- 7 May '25 Sardar Tara Singh introduced the Sikh Gardawara and Shrines Bill in the Punjab Council. (p. 278).
- 9 May '25 Burmese leader U. Chit Hlaing fined Rs. 2,000 for delivering seditious speeches. Poona Municipality presented address to Mr. Ram Rao Deshmukh, President-elect of the Maharashtra Provincial Conference.
- 11 May '25 Maharashtra Provincial Conference at Satara. Mr. Ram Rao Deshmukh presides. (p. 398).
- 13 May '25 Lala Lajpat Rai's appeal for funds to carry on Congress work. Anglo-India Association meeting in Calcutta; Resolution passed to send a deputation to England.
- 14 May '25 Burmese Lady Ma Pwa Yiu sentenced to 4 month's rigorous imprisonment for being member of an unlawful assembly—acquitted by Mr. Justice Das at Rangoon. Late Mr. Montagu's statue unveiled in Bombay by Rt. Hon. S. Sastry.
- 15 May '25 Sir G. Bhandari elected Chairman, Amritsar Municipality. Pandit Malaviya prohibited by the Nizam to enter his State.

- 16 May '25 Orissa Students' Conference at Cuttack—Sir Dev. prasad presides.
- 19 May '25 Rejected C. P. Budget grants—Certified by the Governor.
C. P. and Berar Non-Brahmin Conference at Nagpur—Mr. Bagle presides—attack on Lokmanya Thak and Ranade.
Valkom Satyagraha: Travancore Government withdraws prohibition order to Satyagrahis.
- 22 May '25 Ahmedabad Hindus protest against Nizam's action 'prohibiting Pt. Malaviya entering Hyderabad.
- 23 May '25 N. W. Ry. strike continued—men evicted—Kanka Sim's staff ceased work, Indian Coal Committee report published.
Daring train dacoity near Tundla, train held up and cash bag looted.
Conference of Railway employees at Tichinopoly. Mr. A. Rangaswami Iyengar presides.
- 24 May '25 Andhra Provincial Congress Committee at Rajahmundry. Stormy debate, Berar Non-Brahmin Conference at Nagpur ended in a fiasco.—Congress worker injured—Bengal Ordinance condemned.
- 25 May '25 Fifth session of the Indian States Subjects Committee at Deccan. Mr. B. S. Kanat presides—establishment of representative institutions urged.
Death anniversary meeting of Sir Ashutosh Mukherjee at Calcutta.
Mahatma Gandhi's eulogy on "his great fight."
- 26 May '25 Mr. V. J. Patel opposed spinning franchise in a Poona meeting.
Sivaji's portrait unveiled in the Poona Municipality.
Maharaja Regent, Travancore, prohibits animal sacrifice in her state.
Indian Merchants' Chamber, Bombay, demands investigation into Government's Currency and Exchange policy.
Mahatma Gandhi at Bardwan—supports Desbandhu Das on Tarakeswar movement.
Punjab Board of Economic Enquiry appointed Committee to enquire into unemployment amongst Punjab graduates.
Sitting of Economic Enquiry Committee at Simla.
Municipal rate-payers at Barisal decide not to address to Governor.
Conference of the Native States Subjects concluded its session at Poona.
Demand of Self-Government.
- 28 May '25 International Labour Conference at Geneva—Mr. Joshi's speech (p. 354).
N. W. Ry. strike continued—Amba men cease work.
Petition of Anglo-Indian Deputation to Eng. and announced.
Revolutions of Reforms—New Amendment to the Devolution Rules published by the Governor-General in Council in the Gazette of India.
Machhevans propaganda against Frontier Hindus—Kawa pindi Sahani Hindu Sabha's appeal to Government.
- 29 May '25 Liberal Federation's protest against the imposition of Punitive police at Goojy.
Gedavet District Conference recommends "complete independence devoid of foreign control," as definition of Swaraj of the Indian National Congress.
- 30 May '25 International Labour Conference at Geneva—Mr. Chamanlal's speech.
Huge procession of 10,000 N. W. Ry. strikers with flag dyed red with the blood passes through Lahore streets.
Punjab Hindu Sabha at Amritsar.—Lala Lajpat Rai absent—Dr. Gopal Chandel Narang presides—Ministers' policy condemned.

June 1925

- 1 June '25 Disturbance in Alwar State—Troops fire on landholders.
Rathnay Honours published, E.C.I.E. for Sir Akbar Rahim; Mr. Ma. rek gets C.I.E.
N. W. Ry. Strike continued; 1,500 men joined.

Mr. Jinna on Independents' ideal. His reply to Pt. Nehru.
King Emperor's Birthday exchange of greetings between the King and Viceroy.

- 3 June '25 B. & N. W. Railway strike—6,000 employees strike work at Gorakhpur.
- 4 June '25 Mahatma Gandhi on baseless charge against Swarajists—satisfied with their work.
The great Congress worker Sjt. V. V. S. Iyer Achariya of the Shermadevi Gurukula, drowned while trying to rescue his daughter.
Mr. K. F. Nariman (Swarajist) challenged Bombay Government for officers' corruption in the Bombay Council.
- 7 June '25 Resolution passed by the Trade Union Congress on the N. W. Ry. strike.
- 9 June '25 President Hindu Sabha wires Mahatma Gandhi apprehending riot on Id sacrifice.
Government refused Trade Union Congress offer in N. W. Railway strike.
Taxation Enquiry Committee's sitting concluded in Bombay.
Maharaja of Alwar communicates with Pandit Malaviya on the Firing in Alwar.
Indian railway strikers wire to Workers' Welfare League of India in London.
The Colour Bar Bill passed through the Committee stage in the Union Assembly.
- 12 June '25 Mulai Satyagrahists heavily sentenced by the Bombay High Court.
Incendiarism in Dera Ismail Khan—Hindu houses set on fire.
- 13 June '25 Government of India announced the suspension of Transferred Subjects in Bengal from 13th June till 31st January 1927 (p. 152e).
Mr. C. F. Andrews interviews the acting Chief Commissioner of Railways in connection with N. W. Railway strike.
N. W. Railway strike leaders arrested—men ejected from quarters.
- 16 June '25 Passing away of Deshbandhu C. R. Das at "Step Aside," Darjeeling at 5 in the afternoon.
Andhra recommends Mrs. Sarojini Naidu as president of the next Congress.
Mysore Legislative Assembly passed compulsory spinning resolution.
Doctor Moonji congratulates Bengal on suspension of reforms—declares to stand by Bengal in weal or woe
B. B. Pathik sentenced to 5 years' imprisonment—sentence confirmed by the Maharaj Kumar of Udaipur State.
- 17 June '25 The nation in mourning.—Mahatma Gandhi starts from Khulna to Calcutta—cancels Assam tour—advises dead body of Mr. Das to be received in Calcutta.—"Hope Party strife will be hushed and all will heartily join to do honour to the memory of the Idol of Bengal and one of the greatest of India's servants."—Punjab plunged in sorrow and communal feelings hushed to silence.—Markets closed in Bombay, Bombay Corporation's complementary dinner postponed.—Calcutta offices and markets closed.—Madras markets closed.
Vaikom Satyagraha ends. Temple Road open to all.
- 18 June '25 Arrival of Mr. Das's body at Sealdah. Bengal's last homage to the Idol of Bengal. Historic mourning procession through Calcutta streets—touching funeral scene.
Mahatma Gandhi on funeral service. Messages of condolence from prince and people.—Tribute by the Madras Corporation and Karachi Municipality.—Reference in Calcutta and Patna High Courts.
- 19 June '25 Mahatma Gandhi fixed All-India Memorial Services on 1st July, the Sadha day of Deshbandhu Das.
Touching scene at Calcutta Corporation meeting.—Feeling tribute to Calcutta's First Mayor—Messages received from Lord Birkenhead and Lord Reading.
- 20 June '25 Report of the Select Committee on the Gurdawara Bill presented in the Punjab Council.
Maulana Mahomed Ali advises goat sacrifice during Id as a mark of respect to Deshbandhu Das's death.
Ceylon Legislative Council sends their expression of sincere sympathy

and condolence for India's loss in Deshbandhu's death.

- 22 June '25 All-Bengal Deshbandhu Memorial Appeal published in the *Forward*.
 24 June '25 Deshbandhu's last letter to Pandit Moti Lal Neohra published—Messages and glowing tributes from Newsland, Natal and Kanawa to the Bengal's devoted son.
 25 June '25 Colour Bar Bill passed its 3rd Reading in the House of Assembly by a narrow majority of 44 to 51.
 26 June '26 Deshbandhu Memorial meeting presided over by Col. Weigdoord in London.
 27 June '25 Calcutta University Senate's glowing tribute to Deshbandhu Das.
 28 June '25 Mr. J. M. Sen-Gupta elected President Bengal Swarajya Party, and Mr. K. S. Roy Secretary—Mr. Sen-Gupta also elected President Bengal Provincial Congress Committee.
 Ali-India Leaders' manifesto on the necessity of passing the Commonwealth of India Bill.
 29 June '25 Ashutosh Building opened in Calcutta—Governor's high tribute to Sir Ashutosh Mukherji.
 Mahatma Gandhi pays eloquent tribute to Deshbandhu at Institute Hall meeting at Calcutta.
 5 June '25 Passing away of His Highness the Maharaja General Sir Madhorao Scindia of Gwalior at Paris—Body cremated next day at Pera La Chaise Cemetery.

On the 2nd January 1925 Lord Reading gave his assent to the Madras Hindu Religious Endowments Act. The Act was originally passed by the Madras Council in the teeth of public opposition. At the subsequent general election the ministers and their friends were due to the electorates' opposition to this measure. When the new Council met, it was not allowed to consider the measure afresh as a whole. By a fiat of the Governor the new Council was called upon to reconsider a measure when it had no opportunity to consider it in the previous session. The procedure by which only isolated clauses were asked to be taken into consideration by the Council, placed it in a very awkward position. If the Council passed the clauses as suggested by the Governor it was tantamount to approving not only the principles underlying the Act, but also the other obnoxious clauses and provisions. If the Council did not approve of them, then it had itself open to the criticism that it approved of the original and more obnoxious clauses. The procedural defects were realised by Lord Reading who in his statement says that he sanctions in spite of them, it is because he thinks that where a procedural mistake does not affect his Government's rights, it is not his duty to interfere and correct such defects. The reasons which led His Excellency the Governor-General, in exercise of the powers conferred upon him by Sec. 81 (3) of the Government of India Act to assent to the Act are given in the following statement :

"In view of the large number of memorials which have been addressed to the Governor-General in regard to the Madras Hindu Religious Endowments Act, the majority of which prayed His Excellency to withhold his assent, and, in view of the difficulty of sending in individual replies to the various memorialists, His Excellency considers that it is desirable that he should make a public announcement of the reasons why he has now assented to the Act.

"The large number of memorials received and variety of the arguments advanced therein and by the denunciations which waited upon His Excellency in support of the contention that the Madras Hindu Religious Endowments Act should not become law have necessitated an anxious and careful consideration of the measure. In the first place, it has been urged that informalities occurred in the passage of the Bill through the Provincial Legislature. It has been repeatedly pointed out that during the passage of the original Bill amendments

were introduced which required the previous sanction of the Governor-General, under Section 80A (3) of the Government of India Act, and that such sanction was not obtained. The provision to that sub-section, however, enables the defect to be cured by the giving of assent. The amendments in question were not such as would have justified the refusal of sanction, and there is, therefore, no reason why the defect should not be cured by assent. In this respect the Bill was in no way exceptional. In the earlier days of the reformed constitution the new law of sanction laid down in the Government of India Act was not well known, and was sometimes ignored. But in no case has the Governor-General found it necessary on this ground to withhold his assent from an Act passed by a local Legislature and assented to by the Governor. It is contended that inasmuch as a dissolution of Council took place after the Bill was first passed in April, 1923, there was no power under Section 81A of the Act to return the Bill for reconsideration by the new Council, and that in any case in the circumstances the whole Bill should have been thrown open to reconsideration. It has been suggested that the discussion in the Council was hampered by the terms of the Governor's message, in which he brought to the notice of the Council the amendments recommended by him, and by the President's rulings as to the scope and admissibility of the amendments at the last stage of the discussions on the Bill.

"The Governor-General, after a careful consideration of these arguments, is satisfied that in themselves they afford no ground for withholding his assent. His Excellency has arrived at the same conclusion in regard to the assertion that the Reservation of Hindu Rules required that the Governor, instead of assenting to the Bill, should have reserved it for the consideration of the Governor-General. The rules referred to vest a discretion in the Governor as to whether a particular Bill is of such a nature as to require that it should be reserved. On the merits of the Bill the objections raised by the memorialists and by the deputations have been numerous and varied. It is unnecessary to deal with these in detail. It must be recognised that no measure is free from imperfections, and will satisfy all the sections of the community which it concerns. An Act must contain provisions vitally objectionable in principle before the Governor-General could consider himself justified in exercising his veto for the purpose of preventing the measure from becoming law.

"His Excellency has given his most careful attention to the representations which have been made to him in regard to the provisions of the Act. He cannot shut his eyes to the fact that there is a large amount of dissatisfaction and apprehension in regard to some portions of the Act, and he himself has doubts as to the suitability of some of its provisions. In particular he is unable to regard as satisfactory the procedure laid down for the modification of schemes already settled or deemed to have been settled under the Act. The measure, however, is one which was passed by a majority of the local Council of the Presidency, which included, in fact, a majority of the members of the community primarily affected. It was not to be expected that a measure of this importance would be enacted in the first instance in an unimpeachable form, and there would be no reflection on the action, either of the Minister who was responsible for the measure, or of the Council which passed it, if an amending Bill were to be introduced at an early date to remedy the defects, which have been made apparent as the result of the exceptionally close examination to which the measure has been subjected. His Excellency, therefore, being satisfied that the measure as a whole is a fair piece of legislation, and that there is an adequate remedy available in the local Legislature, whether on the motion of the Local Government or of a non-official member of the Legislative Council for the removal of defects in respect of which there is substantial agreement, has decided to signify his assent to the Madras Hindu Religious Endowments Act."

In January 1925 an extraordinary "Jareeda" was issued by H. E. H. the Nizam of

Gulbarga Temples

Hyderabad regarding the repairs etc., to the Hindu Temples at Gulbarga which, it might be remembered, were railed and damaged by a riotous Mohammedan mob during the Moharrum festival in August 1924. The facts about the riot are as follows: Communal trouble which was brewing there for some time past developed on the day previous to Moharrum when Idols of a Hindu Temple were taken in procession accompanied by music. The procession was obstructed by Mahomedans, but on the Police intervening nothing happened. On the following day, the day of the Moharrum, some Mahomedans accompanying the *Puja* procession molested Hindu men and women whom they met on the road, raided Sharan Vishveshwar Temple and set fire to the temple car. The Police were eventually obliged to fire and order was restored. On the 14th August, however, the Muslim mob fury was at its height and almost every temple within the range of the mob, some fifty in number, were desecrated, their *Sanctum Sanctorum* entered into, their

idols broken and their buildings damaged. The Nizam's Jarooda is to the following effect;—

"In reply to a telegram from the Hindus of Guibarga, requesting permission of H. E. H. the Nizam to repair their temples and carry on their worship in them, H. E. H. the Nizam has passed the following orders:—The estimate of the repairs calculated by the Government Officials comes to about Rs. 25,000 and the Government is prepared to carry out these repairs on their behalf or the Hindus can carry out the repairs themselves, but they will have to submit an account of the same to the Government. These repairs will be permitted to be carried out after the inhabitants have been consulted and their approval obtained so that in future riots will be avoided according to the Government Firman already issued on 29th Jamadi-ul-Awal, on the subject.

"The Hindus have solicited permission to erect a crest (Kalas) on their big temple which is refused on the ground that there was no such crest before and besides this there is a Mahomedan sacred Durgah in Guibarga where there are crests (Kalas) from time immemorial and in this condition to grant permission to erect a new crest (Kalas) is also prohibited by religion.

"The only point now left undecided is to how to punish the mischief-makers and the accused in this riot case, which is submitted by the Commission and is still under consideration and will be decided shortly."

On the 12th January, after a trial lasting over a year, the hearing of the Babbar

The Babbar Akalis.

Akali conspiracy case concluded before Mr. Tapp, Additional Sessions Judge. After the Judge's summing up Rai Sahib Laa Bhagat Ram the first assessor, gave his opinion with regard to each item in the charge framed by the Judge on the 2nd June in which accused were alleged to have imported and possessed arms and ammunition and military stores into British India in contravention of the provisions of Section 6 of the Arms Act, and in such a manner as to indicate an intention that such act might not be known to any public servant; the possession of arms without license; an attempt to commit murder; causing grievous hurt and committing robbery and dacoity in pursuance of the conspiracy. The first assessors said that he was satisfied that it was proved that a conspiracy was entered into between Kishan Singh and several other accused towards the end of 1921 or the commencement of 1922 at various places in the eastern parts of Jullundur district. Those men were about making seditious speeches, warning the public not to help the Government by giving any kind of information regarding their movements, actions or propaganda. By their speeches they tried to create disaffection against the Government, with the object of fomenting rebellion, turning the British out of the Punjab and establishing a Sikh Raj in the Province and Swaraj in British India. That was the objective which they placed before the public. In March 1922 Kishan Singh was at Anandpur and there conspired to murder "jholichucks" (supporters of the Government). Thus, in his opinion, the conspiracy to murder loyalists was formed in the beginning of 1922. There was, however, he thought, not sufficient proof against 21 accused of being members of the conspiracy. The others (67 in number) were, in his opinion, all members of the conspiracy and were guilty of the offence with which they were charged. In his opinion also the approvers had given a substantially true story, with the exception of one prosecution witness, who had gone back on a statement previously recorded by the magistrate. He thought that the approvers' story had been amply corroborated and the confessions of the accused were all true and voluntary.

Syed Narazish Ali, the second assessor, expressed his entire agreement with the first assessor. The third and last assessor Lala Surjan Lal, said he agreed entirely with what the other assessors had said except that he was doubtful whether some of the confessions were not induced by promise of pardon. He was, however, of opinion that, excluding such confessions, there was sufficient independent evidence to convict the accused who confessed.

Ninety-one accused were put on trial before the Sessions Judge. Three died during the hearing of the case. There was insufficient proof, according to the assessors, against 21 accused. Thus 67 accused were found guilty by the assessors of the charges framed against them.

The Sessions Judge pronounced judgment on the 28th February. He found 64 accused guilty and sentenced five of them to death (Kishan Singh, leader of the Babbar Akalis, Baba Santa Singh, Nand Singh, Dalip Singh and one other), 11 to transportation for life and 38 to various terms of imprisonment ranging from seven to three

years, and three months' solitary confinement each, with fines. Thirty-four accused were acquitted.

The convicted accused, on hearing their sentences, raised loud shouts "Sat Sri Akal," while leaving the court room. Altogether 91 accused were put on trial before the Sessions Judge and three died during the progress of the case. The five accused who were sentenced to death were concerned in the following offences :—

Kishan Singh for being the chief of the conspiracy ; Karam Singh and Nand Singh for the murder of Subedar Gairda Singh of Ghuria ; Babu Santa Singh, one of the chief conspirators being responsible for one murder single-handed and complicity in several other murders, robberies and dacoities ; Dalip Singh, a youth of 18, for several murders and other offences.

Of the 11 accused sentenced to 'transportation for life, five are considered by the Judge to be leading members of conspiracy to commit murder.

Of the remaining six three are concerned in murder and dacoity at Nangal Shaman, two are concerned in the Jailia dacoity and the murder of the Dewan and one is concerned in the murder of Subedar Gairda Singh of Ghuria.

Concluding his judgment the Sessions Judge remarked :—"The acquittal of the 34 accused should not, I think, be taken as a reflection on the investigation. In a case of this nature the responsibility of distinguishing between acts and conduct constituting conspiracy and those constituting harbouring has, perhaps, been rightly left to the Court. A little more discrimination might possibly have been exercised by the committing Magistrate, but this is seldom done."

We have detailed in full length in our previous issue the appalling riot that took place in Kohat on the 9th and 10th September 1924. Negotiations to bring about a compromise between the communities fell through on the 19th December, since the Hindu refugees were unable to agree on many important points which had been left

The Kohat Agreement.

undefined in the Draft Agreement. Subsequently, however, on the 12th January 1925 the Hindus and Mohammedans of Kohat signed a reconciliation agreement of which the following is the text. This was published in the Kohat newspapers on the 14th January and was laid on the table of the Legislative Assembly by Mr. Denis Bray on the 26th January. The agreement was signed by the Deputy Commissioner and by the representatives of the communities concerned.

"We, the representatives of the Moslem, Hindu and Sikh communities of Kohat, being desirous of effecting a settlement of all matters among the various communities connected with the Kohat disturbances of September, 1924, hereby agree as follows :—

"(1) That all criminal cases connected with the Kohat disturbances of September 1924 be dropped and given up, and no criminal cases of any sort be put forward in the guise of civil suits against one another, either individually or as a community.

"(2) That the Hindus, Sikhs and Moslems will raise no objection and put no obstacle in the way of the restoration and reconstruction of their respective places of worship which existed before the disturbances, provided that the gurdwara at the spring near the Fort shall be reconstructed kacha and single-storied on its old site, and no encroachment or extension shall be made in its area. In future the building and the use of this gurdwara shall be subject to the orders which already exist.

"(3) That the Moslems, Hindus and Sikhs will give one another full and genuine assistance in restoring to its owner any property seen and clearly identified by the owner to be his, and for which he can offer clear and legitimate proof.

"(4) That the Moslems, Hindus and Sikhs sincerely assure one another that there will be no organised boycott due to the disturbances on either side in the Kohat city or its suburbs, and that every effort will be made to maintain friendly relations with each other."

NOTE.—(1) The case of the pamphlet under Sections 153A and 505, I. P. C. already taken up by the Government, is left to the justice of the Government; and (2) the case Crown (through Mahomed Afzal Khan of Garhi Mawas Khan) versus Jala, Nisar, Naqshad, etc., of Heradi, Chikankot and Kharnata under Section 307, I. P. C., is excluded from this agreement, and this case may be decided by a Council of Elders.

In view of the reported reconciliation agreement and those who were arrested in connection with the Kohat riots, except Jiwan Das, publisher of the alleged offending pamphlet, were released on bail.

The Howrah Bridge Bill, to provide for the construction, maintenance and control of a new Bridge across the river Hooghly between Calcutta and Howrah was introduced in the Bengal Council by the Hon. Mr. A. K. Ghoshani on the 27th August 1924. Mr. Nalini Banjan Sarkar moved an amendment recommending that the Bill be

Howrah Bridge Scheme.

circulated for eliciting public opinion. This was carried by the council and the Government forwarded the Bill to the Calcutta Corporation for opinion. The following is the report of the Corporation Committee on the Bill which was issued on the 12th January.

Regarding the submission that the bridge is primarily a civic necessity the report states that if this is so the best decision regarding the type of bridge should be left to the people of Calcutta and Howrah. "There is no doubt that if the choice is left in the hands of the people they will declare in favour of a floating bridge. Further, it is impossible, under the present state of their finances, for the Corporation of Calcutta and Howrah to contribute any sum whatever, directly or indirectly, towards its cost. The Calcutta Corporation is already committed to the expenditure of nearly Rs. 3 crores towards its water-works extension scheme. There is every possibility of its having to spend a further crore on its drainage problem. It has a statutory obligation to spend Rs. 3 lakhs annually on added areas, and Rs. 1 lakh on primary education. Further expenditure is likely on improving the sanitation of the city proper as well as the added areas, the solution of the milk supply problem, and similar other crying necessities."

In support of the contention that a Cantilever bridge is not a necessity at present the committee state:—"The proposed bridge over the river at Bally provides one of these reasons. It is believed that the Bally bridge scheme has now so far advanced that it only awaits the sanction of the Government. If the scheme is for the construction of a combined railway and road bridge, it has a very important bearing on the Howrah Bridge scheme. The Railway Board is going to build this bridge at an enormous cost, which will be entirely borne by the Government of India. When this bridge is constructed a large proportion of the vehicular and goods traffic that goes over the present bridge will be diverted, with the result that the traffic along the Howrah Bridge will be reduced to a considerable extent."

The Committee finally recommended the construction of a floating bridge. They recommended that it necessary the Government of India should be approached with the request that the bridge at Bally should be a combined railway and road bridge. It is also suggested that the Port Commissioners and Improvement Trust should each contribute Rs. 2 lakhs per annum towards the cost of the construction of the Howrah Bridge and that the Government of India should also be requested to make an annual contribution of Rs. 5 lakhs towards the cost, because among other things the new bridge will improve the port of Calcutta, from which the Imperial Government derives a large amount of revenue.

"The following resolution was issued on the 22nd January, by the Finance Department, Govt. of India:—"The Government of India have had under

Economic Enquiry Committee.

consideration the best method of giving effect to the wishes of the Legislature in connection with the institution of a general economic enquiry in India. They have come to the conclusion that before any wider enquiry can usefully be inaugurated, it is necessary to collate and examine the existing material to ascertain how it can best be supplemented, and to determine what lines an economic enquiry into the resources of the country should take. They have accordingly decided with the approval of the Secretary of State to appoint immediately a small committee for the purpose consisting of the following gentlemen who have consented to serve on it:—Sir M. Visvesvaraya (Chairman), Rai Bahadur Pt. Hari Kishan Kaul (member), and Mr. A. R. Burnett Hurst (member and secretary).

"The following are the terms of reference to the committee:

"To examine the material at present available for framing an estimate of the economic condition of the various classes of the people of British India, to report on its adequacy, and to make recommendations as to the best manner in which it may be supplemented, and as to the lines on which a general economic survey should be carried out with an estimate of the expenditure involved in giving effect to such recommendations".

Several important changes in the constitution and service of non-regular military forces in India have been recommended by the Auxiliary

The Shea Committee. and Territorial Forces Committee, appointed at the instance of the Assembly and presided over by General Sir John Shea.

The report is unanimous, though Colonel Gidney has a small note relating to the position of Anglo-Indians.

The Committee regard the functions of the University Training Corps as primarily educational and of the Territorial Force as a means of imparting military and patriotic ideals in order to lay the foundations upon which a National Army could be built up. The Committee however consider that the growth of a national military spirit should not be forced by the application of compulsion and the Corps should not have any liability for military service. Members of the University Corps should be drawn from the staff and students of Universities and Colleges as at present and not be subject to any arbitrary limitation and must expand up to their natural limits. The military authorities should place no obstacles in the way of universities or colleges forming contingents of the Training Corps, provided the educational authorities guarantee a fixed minimum of members and provide suitable officers. All members of a university or college, regardless of race or colour, are eligible for enrolment in the Training Corps, whose officers should on first appointment receive commissions as Second Lieutenants on the special list of the Territorial Force, or in the case of Europeans and Anglo Indians, on the list of the Auxiliary Force, they being paid as such for any period spent in camp or at a course of instruction.

Regarding the Territorial Force, the Committee suggest that its units should be organised in every respect on the same lines as those of the regular Indian Army, while the Auxiliary Force should be organised as regular British units. Both the Territorial and the Auxiliary Forces must be liable for general military service, both within and without the borders, including service in aid of the civil power, this liability being enforceable only in emergency and under the special orders of the Governor-General-in-Council.

The Territorial Force must be of two classes, one recruited from rural areas as at present and the other from urban areas in order to give an opportunity to the educated classes, the system of training being the same as that in vogue in the Auxiliary Force. In the course of time recruitment to the urban battalions must be limited to those who had previous military training in the University Corps. The Committee suggest that the minimum period of training must be three months in the first year and two in subsequent years, instead of a limited number of days now, and when the provincial battalions had attained a higher standard of efficiency an attempt should be made to raise a few cavalry squadrons in those districts where it is possible to recruit men who could be trained for six months in the first year and three months in subsequent years. The Territorial Force should not be expended beyond the limits of a second line force of strength and no expansion of the Auxiliary Force is necessary at present.

The Committee recommend that an employer who places hindrance in the way of his employee carrying out his training in the Force should be liable to punishment as in Australia. Adequate concessions are proposed for the Auxiliary and urban units of the Territorial Forces in the shape of allowances to cover actual out-of-pocket expenses in connection with parades and salary for days spent in camp. In the case of provincial battalions additional remuneration is proposed in view of the rigorous character of their service. Platoon commanders in the Territorial Force should get Victoria's Commissions in the ranks of Jemadar and Subedar, etc., but not Honorary King's Commissions in addition, while officers of the higher grades in the Territorial Force and members of the Auxiliary Force should get Commissions as Second Lieutenants, Lieutenants and Captains, granted by the Governor-General in the name of the King, as in the Canadian Militia. The Committee suggest the expansion of the Advisory Committees and wide responsibility for recruitment, the Local Governments to be consulted before raising a new unit.

The Auxiliary Force must be confined to British subjects, Anglo-Indians eligible for enrolment in this occupying the same privileges as British subjects of pure European descent. The Committee consider that if their proposals are accepted regarding liability for service, general treatment and the form of commission, there will exist between the Auxiliary Force and the Territorial Force no distinction based solely upon race to which any reasonable exception could be taken. The Committee is assured that expenditure upon the improvement of the Territorial Force on sound lines would meet with no opposition from the Indian taxpayer and observe that any increase in expenditure must not be allowed to prejudice the strength and efficiency of the Regular Army.

Colonel Ghiley, in his note, objects to arbitrary conscription on some railways and points out that those Anglo Indians eligible to join the Auxiliary Force must enjoy the same privileges as European British subjects in criminal trials.

The Civil Justice Committee was appointed "to enquire into the operations and effects of the substantive and adjective law, whether enacted or otherwise, followed by the courts in India in the disposal of civil suits, appeals, applications for revision and other civil litigation (including the execution of decrees and orders), with a view to ascertaining and reporting whether any and what changes and improvements should be made so as to provide for the more speedy, economical and satisfactory despatch of business transacted in the courts and for the more speedy, economical and satisfactory execution of the processes issued by the courts".

The Committee consisted of Mr. Justice G. C. Rankin, of the Calcutta High Court (Chairman), Mr. Justice Louis Stuart, of the Allahabad High Court, Dr. F. X. Desousa, Barrister, District and Sessions Judge in the Bombay Presidency, and Dewan Bahadur Sir Tirumalai Desika Achariyar Avargal, Vakili, Trichinopoly. The report is signed by these members as well as by Sir Tej Bahadur Sapru and Mr. H. P. Duvva, I.C.S., who were co-opted on the Committee for the purpose of considering the report at the close of investigation. In each province the Committee visited two or three practising lawyers who were also co-opted as temporary members.

The report was published on the 19th March having been signed on the 2nd January last. The Committee opened its sittings on the 4th February, 1924, and continued them at the chief centres of the administration of justice in British India, until the 12th September, 1924. It examined during this time no less than 373 witnesses, and received written memoranda from various public bodies and individuals. The balance of the time subsequent to mid-September was occupied by the compilation of the Report.

The committee, while making a survey of delay in the disposal of suits, point out that the situation is serious in Bengal, Assam, Madras, Bombay and Sind. They refer to a suit in the United Provinces, in which there were over 1,000 defendants, and to another suit in the Punjab where there were over 1,100 defendants.

The committee severely condemn the methods of receiving and checking plaints, the issuing of summonses and the preparation of cause list, but point out that the mass of arrears took the heart out of the presiding officers, in the motuasis leading to a lack of proper supervision and activity in several other directions. The committee even discovered instances where judgments had not been delivered until a year after the arguments had been heard. There was no advantage in taking up the time of already overworked presiding officers in reconciling evidence on commission and the committee recommend in their place appointment of qualified pleaders with the powers of a court. As another means of giving relief to district judges, the committee suggest alterations in the jurisdiction of lower courts and devolution of work, besides an increase in the number of courts in places where the existing courts are overworked and undermanned. In particular, the committee recommend the development of village tribunals and investing them with jurisdiction for the trial of suits up to the value of Rs. 100.

The evil of touting is proposed to be controlled by proclaiming it a penal offence and amendment of the Legal Practitioners Act is suggested, providing for reasonable and just remuneration to both senior and junior pleaders in important cases instead of leaving the latter's remuneration to the grace of the senior. The committee approve of the suggestion for the appointment of registrars in district head-quarters to relieve the district judges of administrative and miscellaneous duties, and to act as heads of unified offices of all the courts situated in district headquarters.

Touching on the recruitment and training of judicial officers, the committee emphasise that the possession of a law degree should be made an indispensable condition of appointment and suggest a scheme of selection from among nominated candidates. As regards district and sessions judgeships the committee base their recommendations on the assumption that for many years to come a larger percentage of them would be recruited from the Indian Civil Service cadre and remark that the evidence points to the necessity of more intensive legal training during the probationary period. It is, therefore, proposed to place the young civilian in entire charge of non-off's and subordinate judge's court during a certain period of his training, so that he might familiarise himself with execution work and administrative duties before being appointed as district judge. A certain number of civilians, the committee understand, have availed themselves of the concessions by way of bonus for the prosecution of legal studies at the Inns of Court and returned to India after completing the course.

Commercial litigation was on the increase in the Punjab, Delhi, Bombay, the United Provinces and Baroda and provision must be made in places like Delhi, Amritsar, Caw-

fore and Ahmedabad for reasonable number of officers to ensure commercial cases being disposed of without delay and with satisfaction of the business community. The committee, therefore, recommend the training of selected officers in the courts of presidency towns where commercial cases are handled, provided the local Governments concerned cannot, on financial grounds, depute to England selected officers for training in commercial law and practice.

The committee recommend a total abolition of the practice of granting injunctions to restrain arbitration proceedings because arbitration should, in their opinion, be encouraged as much as possible.

The committee feel unable to favour the proposal to establish in Calcutta a city civil court on the analogy of Madras, either on grounds of economy or expedition, because cases affecting immovable property should be determined only in the High Court. As for Bombay, there was a bill prepared by the local Government with the object of granting extended jurisdiction to the Bombay small causes court and thereby relieve congestion of work in the High Court. But the committee advise postponement of this drastic alteration as there is a prospect of reduction in work. Regarding Rangoon also the committee discontinue the establishment of a civil court and observe that so long as two High Court judges are coping with first instance work the preference of the commercial community of Rangoon for the present system should be respected. But the committee suggest relief by the introduction of remitted actions on the analogy of the English system. No High Court judge who has accumulated about ten reserved judgments ought to sit in court until he has disposed of them, because to argue new cases before him would be to address oneself to a mortgaged mind.

In case trial courts and first appellate courts cannot be substantially strengthened the committee would suggest a restriction of *Letters Patent* appeals arising out of second appeals and a change in the form in which second appeals are to be scrutinised, besides an obligation on the part of the appellant to deposit a fixed sum as security for the respondent's costs. It was conceivable that the requirement of security might exclude a good appeal, but failure to impose such requirement would in many cases end in the failure of the respondent to recoup his costs.

The committee recommend that facilities should be increased for the payment of decrees to the court of decree-holder by money order. Such a procedure would limit disputes as to payment.

The committee emphasise the importance of inspections by High Court judges in districts so that personal guidance might be given and officers responsible for idleness or perversity dealt with suitably. The duties of registrars in High Court should be extended in order to relieve High Court judges of a portion of administrative work, when possible, and no person should be appointed as registrar unless he had considerable experience as a civil judge.

The committee remark that the project of codification of Hindu law could not be rejected as impracticable from the legal point of view, provided an attempt was made by stages.

Justice Stuart, Sir T. Desikachari and Sir Tej Bahadur Sapru, in a note, condemn the *benami* system as one that cannot brook reasoned scrutiny and propose a rule to prohibit all pleas couched in order to let in proof of the unreality of duly executed and registered instruments. On the other hand, Justice Rankin, Mr. DeSouza and Mr. Duval do not favour the proposal as they are not satisfied that the expected results would be obtained.

The committee then examine the general conditions of work in various High Courts in all their aspects and make running criticisms along with their minor recommendations. These and other major recommendations contained in the report are classified into groups so as to help in legislative action being taken thereon or other effect being given to them.

The Coal-Committee was appointed to inquire and report generally on "what measures can be taken by Government, the coal trade, the railways and ports, whether singly or in combination, to stimulate the export of suitable coal from Calcutta to Indian and foreign ports, and, in particular, whether effective measures can be taken for the loading and grading of Indian coal for export and for bunkering, and how the cost of such measures should be met."

The Committee consisted of Mr. Noyce (President), Sir Rajendranath Mukherji, Messrs. F. G. Legge, S. C. Stuart Williams, J. W. A. Bell, H. A. F. Whitworth, W. C. Panerjee, and Mr. H. P. V. Townend (Secretary).

As regards quality the Committee consider that the best Indian coals can compete in any market in the East, but for much competition to be effective only the best coals should be exported, and particular care should be taken so as not to allow the overseas purchaser to be misled as to the precise quality of the coal to be delivered. Except at Rangoon and Madras, Indian coal could hardly hope to compete in overseas markets if its pithead price was higher than Rs. 2 to Rs. 2-8 aa. for Singapore, Rs. 5-4 aa. for Colombo, and Rs. 5 for Bombay and Karachi. Rs. 5 per ton might be taken as the average raising cost for the Jharia field and Rs. 6 per ton for the Raniganj field.

The prohibition of female labour would have serious effects on raising costs and under the condition there was no possibility of any reductions in wages. Increased use of mechanical appliance for coal cutting would not reduce raising costs, unless it were accompanied by an improvement in raising and railway facilities, which would permit of an increased output. Two methods of reducing costs were an increase in output and avoidance of stacking. If stacking were avoided at least eight annas per ton on total output of coal could be saved.

Bali Bridge should be constructed with the least possible delay and the possibility of its being used by the Bengal-Nagpur Railway should be further examined. Various suggestions are made for the improvement of Railway facilities. The working expenses on both the East Indian and the Bengal-Nagpur Railways have increased, in the opinion of the Committee, by a very much higher percentage than their receipts on coal. The difference between the present rates charged on export in India and South Africa was favourable to Indian coal. No statistical case could be made out for reducing railway charges on coal, but such reduction should be made on general grounds. On these grounds the Committee recommend raising the rebate on export coal from 25 to 37 and half per cent. The grant of a rebate on export coal was preferable to that of a reduced rate.

Preferential wagon supplies should be restricted to loco coal, including coal for inland river navigation companies, to coal for works of public utility and to certified coal for export, the balance of wagons available being distributed to the collieries on a proportionate basis. This system should be brought into force as soon as possible, but at least six months' notice of the proposed change should be given to the coal trade and to consumers.

When the post of Coal Transportation Officer is abolished, a whole-time railway officer should be appointed to facilitate the movement of export coal. If facilities for the movement of coal at the Docks were improved to the extent recommended by the Port Commissioners, it should prove sufficient to deal adequately with any extension of the existing coal traffic, which could be regarded as probable in the near future. The question of the most suitable type of mechanical loading appliances for Calcutta should be investigated at an early date by an expert committee, which should report on the best type of mechanical loading plant adapted to all types of open wagons. The committee should also investigate the possibility of using shoots for coal loaded by hand. The financial conditions of the Port of Calcutta were not such as to justify a drastic reduction of charges on coal. No statistical case for reducing the present level of charges could be established, but a reduction should be made on general grounds. This reduction should take the form of a reduction of four annas in river dues on certified export coal. Steamer freights for coal could not in the present basis of working steamers be considered excessive. There was no prospect in the near future of a reduction in rates of freight on coal from Calcutta.

It would be very difficult for individual exporters of Indian coal to establish themselves in overseas markets, owing to the bad repute into which all Indian coal has fallen. A grading board should therefore be immediately established which would grade collieries which produced coal for export and would arrange the issue of certificates for each consignment of coal exported. The most suitable constitution of the grading board would be the Chief Engineer, Mining Board, as Chairman; representatives of the Indian Mining Association and the Indian Mining Federation, one nominee each of the Bengal Chamber of Commerce and the Bengal National Chamber of Commerce. The last two members would represent the consumers' interests on the board.

Exporters of coal to Bombay should be prepared to submit their coal to analysis when selling to consumers in Bombay. The pooling of coal for export was impossible in India and propaganda was necessary by the exporters of Indian coal at overseas ports.

Mr. W. C. Bannerjee, Vice-Chairman, Indian Mining Federation, and one of the members of the Committee, in his valuable dissenting minute

Minute of Dissent.

to the report says: "As I review the situation the only distressing conclusion to which I am disposed to be driven is that Government themselves did not realise the grave injury which the loss of foreign market

meant for the Indian coal trade. In the press communique, dated 25th November, 1922, in which provisional decision of the Government to withdraw the embargo was announced the significant observation was made that "a comparison of the prices of coal in Singapore and Colombo with those of similar qualities for Calcutta rendered doubtful whether any large export trade will be possible." It would seem that the Government deferred the withdrawal of embargo till they were satisfied that the disparity of prices of Indian and foreign coal was sufficiently wide to render the recovery of export market by Indian coal an extremely unlikely and problematic proposition. The Indian Coal Export trade was cut off at a moment when it reached its highest point, and it is the effect of this one severe blight which is still writ large on the present depressed state of the trade.

"I entirely dissent from the view that quality was an important factor in the loss of market already sustained or is even to-day the dominating factor in the coal export situation. Owing to a boom in industrial activity, as also the increased bunkering demand owing to a large volume of tonnage entering the Indian ports in the year 1919 and 1920, the coal prices in these years were naturally high and the shippers who were often middlemen had no doubt to make up the composite cargo and ship a mixture of different grades of coal in order to adjust prices. But it is idle to argue that the coal trade would have allowed the valuable port markets to go out of his hands by continuing to supply coal of unsatisfactory quality. I am prepared to give the Indian coal trade credit for that much of good sense that it would have made the best endeavour to improve the quality of coal directly, it were obvious that their market in the centres of competition was seriously imperilled. In fact, when the shipments were resumed after the withdrawal of embargo, the coal trade gave special attention to the quality of coal shipped. It is useless to argue on the intrinsic value of the best grades of Indian coal. It is enough to recognise that Indian coal except of the very lowest grade is good enough for all ordinary kinds of consumption. This being so, it appears to me that the problem of recovery of export market by the Indian coal trade is the problem primarily of price and then of quality. It is my view that my colleagues have overstressed the aspect of quality to absolutely unwarranted proportions."

A Govt. of India Home Department Communique issued on the 20th March states that the Secretary of State for India, with the concurrence of a majority of votes at a meeting of the Council of India held on the 10th February, 1925, has made the following amendments in the Government Servants' Conduct Rules, namely, for Rule 2 of the said Rules the following shall be substituted:

"(1) Save as otherwise provided in this Rule a Government servant shall not, except with the previous sanction of the Government of India, (a) accept directly or indirectly on his own behalf or on behalf of any other person, or (b) permit any member of his family so to accept, any gift, gratuity or reward, or any offer of a gift, gratuity or reward from an Indian.

"(2) The head of a Government or administration, or a political officer may accept a ceremonial gift from an Indian prince or chief if the gift is such that a return present will be made at the expense of the Government. A gift so accepted shall be deposited in the Government tashkhana.

"(3) Any Government servant may accept from any Indian a complimentary present of flowers or fruit or similar articles of trifling value, but all Government servants shall use their best endeavours to discourage the tender of such gifts.

"(4) Any Government servant may accept, or permit any member of his family to accept, from an Indian who is his personal friend a wedding present of a value which is reasonable in all the circumstances of the case, and which in the case of a wedding present offered to a European Government servant, or to a member of his family, does not exceed Rs. 200. All Government servants shall use their best endeavours to discourage the tender of such presents, and such acceptance or permission shall be reported to the Local Government, and, if the Local Government so requires, the present shall be returned to the donor.

"(5) If a Government servant cannot without giving undue offence refuse a gift of substantial value from an Indian, he may accept the same, but shall, unless the Government of India by special order otherwise direct, deliver the gift to the Government.

For Rule 4 of the said Rules the following shall be substituted:

"(1) A Government servant shall not, save with the previous sanction of the Local Government, receive any crowd, cry or other similar article offered to him at a ceremonial function, such as the laying of a foundation stone or the opening of a public building.

"(2) A Local Government may delegate its power of sanction under sub-rule (1) to Commissioners of divisions, or in the Madras Presidency to the Board of Revenue.

"(3) Nothing in sub-rule (1) shall be deemed to apply to the head of any Local Government or administration, to any member of the Governor-General's or a Governor's Executive Council, to the Commissioner in Sind, to the members of a Board of Revenue, to a Financial Commissioner or to any Judge of a High Court."

The Political Secretary, Alwar State, issued the following State report on the firing that took place in Alwar early in June :—"Distorted and

The Alwar Firing.

grossly exaggerated accounts of the recent occurrences at Nimuchana, in the Alwar State, have recently appeared in certain papers. Prominence is given to these mischievous perversions of facts, evidently produced by interested parties. His Highness's Government, therefore, consider it desirable to publish an authoritative contradiction in order to dispel any erroneous impressions that may have been created by them. The facts are as follows :

"For some months past persistent attempts had been made by agitators to stir up disaffection among the Rajput cultivators of Bansur and Thanagasi tehsils of the State. The ostensible cause of the agitation was dissatisfaction with the terms of the recent settlement, but there is reason to suppose that it was in reality instigated by some agency outside the State. Meetings of an inflammatory nature were held, contrary to the State regulations, but these were not prevented by the State in the hope that the malcontents would eventually ventilate their grievances, real or imaginary, in a constitutional manner. Not a single application had, however, been received by His Highness to this day, and when two brief telegrams were received, purporting to emanate from the so-called Rajput Committee in the two affected thesils, His Highness then deputed a commission to make enquiries on the spot.

"Two attempts were made by sending State officials to summon the agitators before the commission, but they declined to appear in order to avail themselves of the opportunity so afforded of submitting any representation they desired to make to the State authorities. They persisted in their attitude of open defiance and continued to collect arms and to hold disloyal meetings. On the return of the commission from their fruitless errand, the leaders of the movement were summoned to Alwar, but they refused to come. Every attempt was again made to persuade them to desist from their undesirable attitude but with no effect.

"Subsequently, news was received that they were convening another meeting, to be held on the border of the Alwar and Jaipur States. Cultivators were enjoined to come in large numbers with arms and were threatened with caste excommunication and the use of force if they failed to attend. His Highness's Government immediately issued notices forbidding the meeting and warning the cultivators not to take part in this or other disloyal meetings, but to ventilate their grievances in the constitutional way.

"In spite of these instructions a meeting was held at Nimuchana, where a quantity of arms and stores had been collected. It was openly declared that any action on the part of the State would be resisted by force of arms.

"At this stage His Highness's Government were reluctantly compelled to take steps to arrest the leaders. The Sessions Judge and the Inspector-General of Police were instructed to proceed to the scene of the trouble and a detachment of State troops was sent with them. On arrival at Nimuchana, where the disaffected cultivators, armed with guns, swords and other weapons, had gathered in force, prolonged and repeated efforts were made to bring these persons to their senses by reason and persuasion. Finally, the Sessions Judge definitely ordered the men to disperse and warned them that if they failed to do so force would be used. The men refused to comply with the order and declared that they were prepared to kill, or be killed. The Sessions Judge then instructed the troops to surround the village, and still further attempts at persuasion were made, but the cultivators advanced to within dangerous proximity of the troops and some of the mob fired.

"There was then no alternative but to give the order to return the fire. A few rounds were fired, the resulting casualties being two killed and four wounded, of whom one more died subsequently. Thirty-three persons were arrested, and possession was taken of the large quantity of arms and ammunition. Before the troops entered the village a few huts caught fire, probably from the powder of the muzzle-loading guns used by the mob, but certainly from no deliberate action on the part of the State officers or men to set fire to the huts, as suggested in some of the reports spread by malicious persons. Prompt help was rendered to the wounded and compensation was ordered to be paid to villagers whose huts were destroyed. An enquiry is now being instituted to ascertain the origin and the cause of the agitation, and further opportunity is being given to the loyal cultivators, who may consider that they have grievances, to represent before the officers conducting the enquiry.

"There has been apparent delay in issuing this statement which is principally due to the following causes: (1) That His Highness's Government did not desire the misdeeds of a few of His Highness's subjects to be advertised publicly, and hoped that this would eventually not be necessary; (2) that the editor of the "Pratap" of Cawnpore visited Alwar and without permission, proceeded to the scene of the incident, where he was recognised and brought back as, after having published the grossly exaggerated and falsely concocted statements he could scarcely expect the State to show him the courtesy of being taken round. He was, however, shown some of the arms and ammunition collected in Alwar, and was also allowed to make certain observations for himself, upon which he stated that he was surprised at the statements made in his paper, and that he would proceed to contradict them. As these contradictions have not so far reached His Highness's Government, and other papers have evidently taken the lead from the "Pratap" it has now become imperative in the interests of His Highness's subjects to publish a contradiction of the false accounts."

On the 8th February 1924 a resolution was moved by Diwan Bahadur Rangaachariar recommending an early revision of the Government of India Act with a view to secure for India full self-governing dominion status within the British Empire and provincial autonomy in the provinces. An amendment to this resolution was moved by

Reforms Enquiry Committee

Landit Motilal Nehru suggesting the summoning at an early date of a Round Table Conference to recommend, with due regard to the protection of the rights and interests of important minorities, the scheme of a constitution for India; and after dissolving the Central Legislature to place the said scheme for approval before a newly elected Indian Legislature and submit the same to British Parliament to be embodied in a statute.

The resolution as amended was adopted by the Assembly on the 18th February 1924, 56 non-officials voting for and 48 voting against. In the course of his final speech delivered on the same day, the Hon'ble Sir Malcolm Hailey indicated that the Government were prepared to institute an enquiry. "If our enquiry," he said, into the defects of the working of the Act shows the feasibility and the possibility of any advance within the Act, that is to say, by the rule-making power provided by Parliament under the statute, we are willing to make a recommendation to that effect, but if our enquiry shows that no advance is possible without amending the Constitution, then the question of advance must be left as an entirely open and separate issue on which the Government is in no way committed. To that extent the scope of our enquiry goes somewhat beyond that originally assigned to it, but I must again emphasise the fact that it does not extend beyond that scope to the amendment of the Constitution itself."

This debate was followed by the appointment of an official Committee for the purpose of examining the Government of India Act and its working and of exploring the possibilities of amendments calculated to lead to improvements in the working of the machinery.

The circumstances under which this Committee was constituted and its personnel and terms of reference have been set forth in the last issue of the Register (see 1924 Vol I p. 541). The Committee began its work on the 4th August 1924 and held the first public sitting to hear evidences on the 7th (see 1924 Vol. II p. 40). The hearing of evidences continued up to 24th October. The final report was issued in March 1925. In the following pages we give an exhaustive summary of both the Majority and Minority Reports.

Reforms Enquiry Committee Report

(For Earlier History See Register 1924, Vol. I p. 541 & Vol. II p. 40).

The motive for appointing a Committee to inquire into the working of the Indian Constitution of 1919 was two-fold. It was intended to call the bluff of the Swarajya Party Election manifesto of October, 1933, and at the same time to test the complaints that were being made almost universally by Indian well-wishers of the Reforms, whose friendliness and moderation of temper could not be questioned that the Reformed Constitution was failing and could not be made to serve satisfactorily its intended purpose as a training school for responsible Government.

The Swarajist Election manifesto declared :—

"The Party believes that the guiding motive of the British in governing India is to serve the selfish interests of their own country, and the so-called Reforms are a mere blind to further the said interests, under the pretence of granting responsible Government in India, the real object being to continue the exploitation of the unlimited resources of the country by keeping Indians permanently in a subservient position to Britain by denying them at home and abroad the most elementary rights of citizenship."

The manifesto was disingenuous, because there were among those who framed it men who had known Lord Minto or Lord Morley, Lord Hardinge or Mr. Austen Chamberlain, Lord Chelmsford or Mr. Montagu, or had known enough of their record to know them not only incapable of the duplicity and stupidity imputed to them, but as themselves convinced and warm adherents of the policy of Indian self-government, who had in the face of great difficulties and obstructions, done their best to build the road towards its attainment. It was silly, because even without such knowledge, no man of adult intelligence in public affairs could so misread political psychology or be misled by such misreading. It was paralytic, because it attempted, in policy an impossible straddle between the anarchism of Mr. Gandhi and political constitutionalism—constructive democracy. The inherent ricketiness of its programme (combined with Mr. C. R. Das's flirtations with Bengal terrorism) has not failed to develop itself during the last fifteen months in indicating dissensions and confusion in the counsels of the National Congress parties.

The Reforms Enquiry Committee was requested—

"To enquire into the difficulties arising from or defects inherent to the working of the Government of India Act and the Rules thereunder, and to investigate the feasibility and desirability of securing remedies for such difficulties or defects, consistent with the structure and policy and purpose of the Act."

They presented two reports, one signed by the three English members, with Sir Mahomed Shafi (member of the Council of State) and the Maharaja of Burdwan (who also in a personal report expressed an intermediate opinion), the other by the four remaining Indian members. There is little substantial discrepancy between the recognition on which rest the criticisms of the two sections as to difficulties and defects, though the emphasis laid on them differs. The majority observe that the Minority deal with some matters which they had felt themselves precluded from considering by the terms of the reference, and therefore did not allude to. The Minority say that they felt at the outset that, though it was open to them to examine a wide field, so far as inquiry was concerned, in the matter of remedial proposals their scope was limited by the language used in the reference; but that

whilst the remedies they were competent as a Committee to recommend must consist with the structure, policy and purpose of the Act, or be addressed to the remedy of administrative imperfections they had held that if the inquiry showed that such remedies would not lead to any substantial advance, they were not precluded from indicating their views to that effect. The minority had warrant for this attitude in the words used by Sir Malcolm Hailey in announcing the proposal of an inquiry :

"We do not limit ourselves to demanding that the system should be further tested. We propose to make a serious attempt to investigate justifiable complaints against the working of the scheme in practice, to assess the causes and to examine the remedies necessary. We claim that this must precede any general inquiry into the policy and scheme of the Act itself or general advance within the Act.

"If our inquiry into the difficulties of the working of the Act shows the feasibility of any advance within the Act, that is to say by use of the rule-making power provided under the Statute, we are willing to make recommendations to that effect, but if our inquiry shows that no advance is possible without amending the constitution, then the question of advance must be left as an entirely open and separate issue, on which the Government is in no way committed."

While the Majority refrained from the expression of any such opinion, they quote, with apparent concurrence, the judgment of the Governor-in-Council of the United Provinces that the "partial dyarchy" of the Reformed constitution is "a complex confused system, having no logical basis, rooted in compromise, and defensible only as a transitional expedient." They accord to the Reform constitution the very moderate testimonial that, whilst the period during which it has been enforced has been too short to enable a "well-founded opinion as to its success" to be formed, the evidence furnished to them was "far from convincing them" that it had failed. Turning to the report of the Government of the United Provinces quoted above, we find that the conclusion of Sir William Marris and his Council on their whole inquiry was that there is no half-way house between the constitution which they so forcibly damn and a new constitution, and that concessions falling short of complete provincial autonomy will placate no section of the opponents of the existing system.

"It seems," they say, "to the Governor-in-Council that the difficulties and defects inherent in the scheme are quite incurable by any mere alteration of the Act or rules. The utmost that changes so restricted could do would be to oil the wheels of the constitutional machinery, they could have no effect on the general and permanent tendencies of the constitution itself."

This conclusion is not obscurely implicit in the report of the Majority, as it is explicit in that of the Minority.

The Majority make recommendations, from few of which the Minority expressly or uncompromisingly dissent, for enabling the constitution to be worked with less friction and greater efficiency. None of these recommendations really touch the inherent vices of the dyarchical constitution in regard to its main purpose of forming a training ground in the working of Parliamentary institutions. And it is these that it is most necessary to examine.

The Majority, after expressing these gloomy views of Dyarchy, proceed to say the best they can for it: and this is all they can say:

"A complex constitution like the dyarchy requires more particularly to be worked by reasonable men in a reasonable spirit, if deadlocks are not to ensue." (So, whisper the Minority, does any constitution whatever!) "The existing constitution is working in most Provinces, and it is giving a training ground in Parliamentary Government to the electorate, and also to the members of the Legislature and to Indian Ministers. If recently in some of the Provinces it has not achieved the expected measure of success, it is because it was not worked on the lines and in the spirit which were intended."

The majority express their opinion that except by some form of dualism it was not possible to afford an "equally" valuable training towards responsible Government in India "and still to safeguard those conditions upon which Government depends. This last phrase indicates what it was that determined the framers of the constitution to accept a scheme in which so many inherent faults were freely recognised at the time. They did not see how they could safely go further towards responsible institutions without losing the control which they deemed it then essential to retain in the hands of the Governments, pending further Parliamentary experience. This is an intelligible and arguable position, but it ought to be recognised that the kinks in the constitution which were introduced with a view to such safeguarding, may really have been, as the Minority and practically all Indian witnesses argue they are, destructive to the concurrent purpose of giving a training ground in Parliamentary Government.

The Majority attribute some of the difficulty in working the constitution to "the atmosphere in which it was introduced" but admit that "within the legislatures themselves there was at the commencement a spirit of goodwill." The Minority say :

"The very fact of the abstention of the advanced political party from co-operation in working the reform helped to give them a better start than they might have had, had the Swarajists entered the Councils. The minority, therefore, do not admit the theory that the reforms have not been given a fair trial, or perceive how they could have been worked in a better spirit if instead of men who offered to take advantage of them, others, frankly opposed, had entered the Councils. With the views then held at the time, reforms would have broken down at a very early stage. The atmosphere which prevailed outside the Councils was one of hostility to the Act.

The crucial Parliamentary defects of the constitution as a training ground for responsible administration (admitted, though not emphasised, by the Majority) are brought out very clearly by the Minority. The first is the inter-dependence of the administration of "reserved" and "transferred" subjects, and the mutual reactions of policy in regard to them.

The Minority add that Ministers can not be responsible solely to the Legislature, as the Parliamentary Joint Committee intended, because of the very real control that the Finance Department must exercise over all expenditure, and because the points of view of popular Ministers and of members of Executive Councils in charge of inter-current departments, who owe no responsibility to the Legislature and are steeped in official traditions, may and not infrequently do differ. In Madras and to some extent in one or two other Provinces, Governors have ignored the principles of the constitution, and treated both the responsible Ministers and the official heads of Department as constituting a single Cabinet. The Majority recommend that "joint deliberation" between the two sides of the Government on important questions should be definitely enjoined by a Rule. But this proposal, like the Madras practice, as has been repeatedly pointed out, is neither dyarchy nor responsible government: the responsibility of the Ministers to the Council must needs be in competition with their responsibility as members of a combined Cabinet, whilst there is no real responsibility of the other members of such a Cabinet to the Council.

In the present phase of politics the representatives of the electors must show as a whole the temper of an Opposition: if they do not do so they will be undercut by a new Opposition, as they were in the last

election, very largely, by the Swarajists. The Majority refer to this fact as showing misunderstanding by the Electors of the intention of Dyarchy, and need for their fuller education. The electors simply do not understand how any man can serve two masters. They still regard Ministers as Government servants. The functioning of the Councils under these circumstances is not and cannot be made a training for Ministerial Parliamentary responsibility, the Ministers not being Party leaders, however much it may be made a training for Ministerial administration, which is a different thing.

The Committee had verbal and written evidence from past or present Indian Ministers and Executive Councillors from all the Provinces. All of these (they include two Rajas) were men of selected ability and capacity in public affairs who had entered the Councils and taken office to support the Reforms and had personal administrative experience of their working. With the exception of three out of five ex-Ministers from Bengal, no doubt disheartened by the proceedings of the Swarajists in last year's Council, all these witnesses gave reasoned opinions varied but congruous, impossible to dismiss as negligible merely because the Governors in Council officially (for reasons not so clearly expressed) opposed their conclusions, that the experiment of dyarchy has already taught all that it can be used to teach, that it is impossible to work it satisfactorily, that it is condemned, not only by themselves, who have tried to work it, and by all politicians of all Indian parties, but by an increasingly pronounced popular feeling, due to its failure to fulfil popular expectations—that no mere alterations of Rules and Orders under the Act of 1919 can avert increasing difficulty and disorganisation in its administration, and that the time has come for attacking the consideration of further developments with a view to increased Provincial autonomy, and (less generally and emphatically) increased responsibility in the Central Government. If this opportunity is not taken, the situation, they are convinced will become yet more difficult.

The significance of these reports and these opinions cannot be ignored. The Minority urge that the constitution should be put on a permanent basis with provisions for automatic progress—that is to say, progressive establishment of Provincial autonomy according to the development of the Provinces, so as to secure stability in the Government and willing co-operation of the people. The Government ought immediately to take in hand the examination of the possibility. The Doctrine that because the Act of 1919 contemplated ten years of inaction in regard to reform, no motion should be made within that period is a futility which even the responsible spokesmen of the Indian Government have never themselves accepted. Indian politicians are critical and intelligent men, and reasonable men resent an irrational obstinacy, founded not on practical reasons, but on a formula. Formulas have no validity with Indian philosophy. If there are reasons against extension of responsibility, either because Indians are deemed incompetent or the electorate unfit to be enlarged, let them be frankly examined and stated, and the facts of the position faced. If matters are left as they are the Swarajist party will be returned in increased strength at the next elections, the defects of dyarchy be more exasperatingly felt and purposes still further defeated. There is general consent that the line of development lies in the direction of provincial autonomy. The implications of that consent should now be explored and the practical task of adjusting the constitution in that direction taken in hand. (*Lord Olivier in Contemporary Review*).

THE MAJORITY REPORT

The Majority Report.

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The following is a summary of the majority report signed by Sir A. P. Muddiman, Dr. Mian Sir Mahomed Shafi, the Maharajahiraj of Burdwan, Sir A. Froom, and Sir Henry Moncrieff-Smith:—

The Secretary of State.

1. The "control of the Secretary of State and of the Secretary of State in Council" over the official Governments in India in cases affecting purely Indian interests should be relaxed and efforts should be directed towards establishing a practice in this respect.

Govt. of India.—The Executive.

2. The Governor-General and the other high officials mentioned in sub-section (1) of section 110 of the Government of India Act should be exempted from the jurisdiction of all Courts and not merely from the original jurisdiction of the High Courts.

3. The powers of the Governor-General in Council to secure by a declaration that "the development of a particular industry" shall be a central subject should be modified so as to relax the existing restriction and allow the power to be exercised with the concurrence of the local government or governments concerned.

The Indian Legislature.

4. The Courts should be barred from "premature interference with the Presidents" of the two Chambers in regard to action proposed to be taken in either Chamber. The recommendation applies to the Presidents of the Legislative Councils also.

5. The elected President of the Legislative Assembly should not be required to "vacate his seat as" a member of the Assembly on his acceptance of that office. The recommendation extends to the elected Deputy President of the Assembly, to the elected Presidents of the Provincial Councils and also to Council Secretaries.

6. Bills affecting Hindu or Muhammadan Law should be referred, after leave for introduction has been given, to two Standing Committees. The members of the Standing Committees should consist mainly of members of the communities concerned but should include experts in Hindu or Muhammadan Law, as the case may be, and also representatives both of the reforming and of the orthodox sections of the two communities. They should be appointed by a Committee of Selection. Before any arrangements are made on these lines the two Chambers of the Indian legislature should however be consulted.

7. Power should be taken to enable the Government of India to prescribe the date on which the railway year shall begin for budget purposes and also to present the railway budget separately from the general budget.

8. The bar against women being registered as electors for the Delhi and Ajmer-Merwara constituencies should be removable by the passing of a resolution after due notice in the Assembly.

9. The bar against "women being elected or nominated as members" of either Chamber of the Indian Legislature or of the Provincial Councils should be removable by the passing of resolutions after due notice in the Chambers and the Councils.

THE REFORMS ENQUIRY REPORT

10. Special "representation for factory labourers" in the Legislative Assembly should be provided for, if local Governments can make arrangements, by election, and if not, by nomination.

11. The Governor-General should have power to "nominate persons", whether officials or non-officials, to be members of either Chamber of the Indian Legislatures as "experts for particular bills or particular classes of bills."

12. The existing disqualification from being a member of either Chamber of the Indian Legislature or of a Provincial Council which follows from a conviction by a criminal court should be modified: (i) by increasing the period of sentence which constitutes a disqualification from six months to one year: and (ii) by enabling it to be removed subject to provisions to secure uniformity by orders of the local government instead of only by pardon.

13. Members of all the legislative bodies constituted under the Act should be exempted from:—(i) serving as jurors or assessors; and (ii) arrest and imprisonment for civil causes during meetings of the legislature in question and for periods of a week before and after such meetings. This recommendation should, however, not be dealt with as a question of privilege but by amendment of, or action under, the ordinary law.

14. The corrupt influencing of votes within any of the legislative bodies by bribery, intimidation and the like should be made a penal offence, and this should not be dealt with at present as a question of privilege.

Provincial Governments—The Executive

15. Joint deliberation between the two sides of the Government on important questions should be definitely enjoined by a rule to be included in the Devolution Rules.

16. The Joint Responsibility of the Ministry is the ideal and the Devolution Rules and the Instrument of Instructions should be modified so far as may be necessary, to indicate this rather than that transferred subjects may be administered by the Governor acting on the advice of a single Minister.

17. The constitution should provide that a Minister should ordinarily get the same salary as a Member of the Executive Council in the same province but that this may be varied by an Act of the local legislature so as not to be less than 3-5ths of or more than the salary payable to a Member of the Executive Council in the same province. Section 52, sub-section (1) of the Act should be amended accordingly.

18. The power of control of the Governor over his Ministers should be more expressly indicated by the re-drafting of clause VI of the Instrument of Instructions so as to provide that, subject to a Power of Interference to prevent unfair discrimination between classes and interests to protect minorities and to safeguard his own responsibility for reserved subjects and in regard to the interests of the members of the permanent services, the Governor should not dissent from the opinion of his Ministers.

19. Provisions should be made in the provincial legislative rules giving a Minister who has resigned the right to make in the Council a

personal explanation of the causes of his resignation. The provisions should so far as possible follow English practice.

20. The rules of executive business made by Governors under section 49 of the Act should be amended to provide, where this is not already the case, that—(a) a Member of Council or a Minister should be able to make a recommendation to the Governor that any case in his own Department should be considered before the joint cabinet or before that side of the Government with which it is directly concerned; and (b) the Secretary of the Department or other officer with a right of direct access to the Governor should inform his Minister of every case in which he differs in opinion from the Minister and of all other important cases which he proposes to refer to the Governor.

21. The word "may" in clause 2 of rule (2) of the Transferred Subjects (Temporary Administration) Rule should be changed to "shall."

22. The provisions as regards Council Secretaries in the provinces should be modified—(a) so as to provide that they shall get a reasonable salary the amount of which will be determined by an Act of the Local legislature; and (b) that on the transferred side the Minister should make recommendations for appointment as Council Secretaries for the approval of the Governor, and that when appointed they should hold and vacate office with the Minister.

23. The following provincial reserved subjects should now be transferred:—(a) No. 12. Fisheries. In Assam. (b) No. 14. Forests. In provinces in which it has not been transferred already, unless the Local Government concerned on examination of the position can make out a convincing case against transfer. (c) No. 16. Excise. In Assam. (d) No. 26. From amongst the Industrial matters included in this item the following:—(e) boilers, (f) gas, and (g) housing of labour. But boilers and housing of labour should remain subject to legislation by the Indian Legislature.

24. The following action should be taken in regard to other provincial subjects.—(a) No. 15. Land Acquisition, Local Governments should be consulted as to whether, in so far as it relates to purely provincial land acquisition, this subject cannot be transferred. (b) No. 18. Provincial Law Reports. The High Courts should be consulted as to whether this subject cannot be transferred. (c) No. 27. Stores and Stationery. The existing restriction on the transfer of this subject that it is subject in the case of imported stores and stationery to such rules as may be prescribed by the Secretary of State in Council should be deleted. (d) No. 43. Provincial Government Presses. The question whether this subject cannot be transferred should be examined.

25. The two schedules of subjects annexed to the Devolution Rules should be examined and the lists should be re-arranged on a more logical basis.

Provincial Governments—The Legislatures.

26. Power should be taken to modify by rules the existing stringency of the control over provincial legislation which is due to the previous sanction provisions by the inclusion of a proviso in subsection (3) of section 50A of the Act.

27. The existing provisions, contained in item 5 in the Schedule of provincial subjects annexed to the Devolution Rules, which make,—(i) the control of the establishment and the regulation of the con-

stitution and functions of new Universities; and (ii) the Calcutta University, and the control and organization of secondary education in the Presidency of Bengal, subject to legislation by the Indian legislature, should be deleted.

28. When previous sanction is granted under section 80A or 80C of the Act to provincial legislative proposals promoted by non-officials the sanction should be available only to the member to whom it was granted and for the particular Council sitting when it was granted.

29. If decided to be necessary the existing law in regard to the reservation of provincial Bills should be modified so as to make it clear,—(a) that a Governor may return a Bill passed by one Legislative Council for reconsideration by a new Council, in whole or in part; (b) that, when the Bill is so returned for reconsideration, whether to the old or to a new Council, amendments may be moved in the Council to any parts of the Bill, if returned for reconsideration in whole and if returned for reconsideration in part to those parts; and (c) the amendments suggested by the Governor are open to rejection or amendment by the Council.

30. In order to enable the responsibility of the Ministers to the Councils to be enforced, provision should be made in the Provincial Legislative Council Rules for the following classes of motions:—(a) a motion of no confidence; (b) a motion questioning a Minister's policy in a particular matter; and (c) a motion for the formal reduction of a Minister's salary to be moved at the time when the demands are made for grants.

So far as the latter class of motions is concerned it will be necessary to provide for them when amendments are made to section 52 of the Act in regard to the Ministers' salary. So far as the two former motions are concerned, in order to prevent them from being moved frivolously and to provide that they should come up for discussion at an early date, the rules should provide that the person who gives notice of the motion should show that he has the support of about one-third of the members of the Council, and that in that case the President shall direct that the motion shall be included in the list of business on a date not later than 10 days after the date of notice.

31. Rule 30 of the Provincial Legislative Council Rules and rule 48 of the Indian Legislative Rules should be amended so as to secure that motions may not be moved when a demand is made for a grant for the omission of the whole grant.

32. The Central Provinces Electoral Rules should be amended so as to include an additional constituency comprising the Mandala district. It is for consideration whether the constituency should include Mandala town or whether the town should continue to be included in the urban constituency of small towns in the Jabulpore Division. When the constituency is created the existing provision in the rules for the nomination of a member to represent this district should be deleted.

33. The six months' residential qualification should not be required from candidates for European seats in any of the legislative bodies constituted under the Act. In these cases candidates should only be

required to have an All-India residential qualification which should not be effected by temporary leave of absence from India.

34. The representation of the depressed classes in the Provincial Councils should be increased and the Local Governments should be asked to formulate proposals in this respect. The representation should be by election, if Local Governments are prepared to recommend a system of election.

35. The representation of factory labourers in the Provincial Councils should be increased, and the Local Governments should be asked to formulate proposals in this respect. The representation should be by election if possible.

The Finance—Revision of Meston Award.

36. The Meston Settlement should be revised as soon as a favourable opportunity occurs.

37. The Member of the Executive Council in charge of the Finance Department should not be in charge of the main spending departments.

38. The Devolution Rules relating to the appointment of a "Joint Financial Secretary" should be modified so as to provide for a power to appoint "Financial Advisers" to the Ministers in regard to transferred subjects.

39. Devolution Rule 31 should be amended so as to indicate clearly that it applies not only to the "distribution of revenues" on the occasion of the preparation of the annual estimates of revenue and expenditure but also to the distribution "between Reserved and Transferred Departments" of any revenues which may become available during the course of a financial year.

40. The powers of a Member or a Minister to "sanction re-appropriation" which now only extend to re-appropriations within a grant between heads subordinate to a minor head should be extended, subject to the existing limitations in regard to expenditure which involves a recurring liability and in regard to the communication to the Finance Department of a copy of any order, to any re-appropriation within a grant from one major, minor or subordinate head to another.

41. In such cases as those relating to the grant of forest rights the provincial "Finance Departments" should prescribe that the "assent" in cases, in which previous consultation with it is required by the rules may be presumed in cases of even greater importance than those that may now be disposed of by the permanent officials of the Forest Department.

42. Steps should be taken to obtain a definition of the phrase 'Government of India' in section 20, sub-section (1), of the Act. The scope of the phrase should extend, for example, to expenditure on the financing of industries by private persons.

43. If the experiments now being undertaken in regard to the "separation of accounts from audit" show that such separation is feasible, and if it is also found to be feasible to "separate provincial accounts" from the accounts of the central government, action should be taken in both these directions.

THE REFORMS ENQUIRY REPORT

The Public Services.

44. Any action necessary for the "protection of the services" in the exercise of their functions and in the enjoyment of their recognised rights and privileges should be taken.

45. The control over recruitment for the services in the transferred field should be entrusted to the proposed Public Services Commission or Commissions.

46. In the rules for recruitment Government should provide that, with due regard to efficiency, "all communities" should receive due "representation in the public services." That is, if a due representation of persons, belonging to a particular community who have passed a prescribed efficiency bar can be obtained for each service, the community should receive due representation, if necessary by nomination, in each service.

The Minority Report

The minority report which is signed by Dr. Sir Tej Bahadur Sapru, Sir P. S. Sivaswamy Aiyer, Mr. M. A. Jinnah and Dr. R. P. Paranjpye is a lengthy document. It gives the history of the demand for a further advance of constitutional reform and gives an account of the reform movement over many years.

The complaints brought against the present system of Government are, says the report, as follows:—

(1) The impinging of the administration of reserved upon that of transferred subjects and *vice versa*; (2) The absence of joint responsibility of the Ministers; (3) The absence of joint deliberation between the two halves of the Government; (4) The attitude of the permanent officials towards the Reforms, their relations with the Ministers and their general position in the new constitution; (5) The difficulties in the way of Ministers arising out of the over-riding powers of the Governors under the Act; (6) The control of the Government of India and the Secretary of State; (7) (a) The measures of control exercised by the Finance Department; (b) The fact that under the rules the Finance Department is in charge of a member of the Executive Council, who is also in charge of the spending departments; (c) The disqualification of the Ministers to hold the portfolio of finance by reason of the Devolution Rules.

These complaints are dealt with *seriatim*.

Possibility of Advance by Rules.

"It has been urged", says the report, "that an advance can be made by action under section 19A of the Act and without any radical amendment of the Act itself. With all respect to those who maintain this view, we entirely differ from it. In the first place, it is obvious that under section 19A, the Secretary of State can only "regulate and restrict" the exercise of the powers of superintendence, direction and control vested in him. In the second place, such regulation and restriction of powers must be with a view to give effect to the purposes of the

Government of India Act. These purposes are defined in the preamble, and we think that even if the Secretary of State felt disposed, he could not, by the mere exercise of his powers under this section, abolish dyarchy. In the third place, reading the second and third parts of section 19A with the first part, it seems to us that the relaxation of the control contemplated by section 19A can only be with regard to Provincial Governments and cannot have any relation to the Central Government. The words "subjects other than transferred subjects" in the second part of the section, and the words "any rules relating to transferred subjects" in the third part of the section seem clearly to indicate the limits of the relaxation of the control of the Secretary of State contemplated by the rule-making power under this section. We also think that the relaxation of control provided for by this section cannot mean the same thing as divestment".

After suggesting the transference of more subjects the report deals with the question of franchise and does not agree with the majority that there should be no general broadening of the franchise. The adequate representation of the depressed classes and factory labour by means of election is urged with an extension of seats in the Assembly and the Provincial Legislatures. Women, it is recommended, should be enfranchised by rules in every province and should also have a right to stand for election. The aim of special constituencies should be to encourage territorial electorates and not to extend the principle of special electorates. The abolition of communal representation seems to be out of the question, but the report is entirely opposed to any extension of the principle. The report is opposed to the retention of the official "bloc" on principle as it merely served the purpose of adding to the voting strength of the Government. In regard to European commercial representation in the Assembly the minority has no objection to the recommendations of the majority.

The Secretary of States' Control

In regard to the control of the Secretary of State in Council over the central and provincial reserved subjects the report says:—"We think that consistently with his responsibility to Parliament any divestment of such control is out of question, and any relaxation of it by definite delegations of powers by rule must be of a very limited character. We note that the majority are of opinion that the step which, in their opinion, should be taken is to work towards establishing a practice in conformity with the position taken by the joint Committee that control in cases affecting purely Indian interests should not be exercised. We venture to doubt whether such a convention would be of any permanent value or could effectively put a stop to the powers of control, particularly when it is realised that it is extremely difficult to define the expression "purely Indian interests." Bearing in mind the present Indian Constitution we do not feel justified in building much hope on such a convention."

Conclusions

"While we agree with the majority that the constitution, as a whole, requires to be worked by reasonable men in a reasonable spirit if deadlocks are not to ensue, we venture to think that this will hold good in the case of any other constitution. In our opinion, the system

of Dyarchy was during the first three years everywhere worked in the Legislatures by men most of whom were professedly its friends and who, generally speaking, tried to work it in that spirit of reasonableness which is referred to by the majority of our colleagues, and it is no exaggeration to say—indeed this is also the testimony of several local Governments which we have quoted above,—that generally a spirit of harmony and co-operation prevailed between the Legislature and the Executive, notwithstanding the fact that the atmosphere outside was for sometime markedly unfavourable.

"The Indian Ministers and Members of Executive Councils also, upon whom new opportunities of service were conferred, appear to us to have been within the sphere of their Executive duties, equally eager to work the constitution in the same spirit of reasonableness, and yet differing from the majority of our colleagues we have been forced to the conclusion that the present system has failed and in our opinion it is incapable of yielding better results in future.

"The system has been severely tested during the course of this year and its practical breakdown in two provinces, viz., Bengal and the Central Provinces as a result of the opinions of the majority of the members of the Councils of these two provinces who refuse to believe in the efficacy of Dyarchy and the tension prevailing in the other Legislatures for similar reasons, point to the conclusion that the constitution requires being overhauled.

"It has failed in our opinion for several reason: (1) There are the inherent defects of the constitution which though theoretically obvious at its inception have now been clearly shown by actual experience to exist. (2) The Ministers' position has not been one of real responsibility. (3) While in a few provinces the practice of effective joint deliberation between the two halves of the Government has been followed, in several of them it has not been. (4) Excepting to a partial extent in Madras, almost everywhere else the Ministers have been dealt with individually by Governors and not on the footing of collective responsibility. (5) The close inter-connection between the subjects of administration which have been divided into 'reserved' and 'transferred' has made it extremely difficult for Legislatures at times to make in practice a distinction between the two sections of the Government with the result that the policy and administration of the Reserved half of the Government have not infrequently been patent actors in determining the attitude of the Legislatures towards the Ministers and have also in our opinion prejudiced the growth and strength of parties in the Councils. (6) The Montagu Award has crippled the resources of the provinces. It has been the corner stone of the entire Financial system, and it has prevented Ministers from developing Nation-building Departments to the extent which would have enabled them to produce any substantial results. (7) The defects of the Rules which we have noticed before and the constitution and the working of the Finance Departments have put a severe strain on the system.

Irremovable Executive

"The criticism which the Montagu-Chelmsford Report made of the Congress League Scheme has been demonstrated to be true in actual experience of the defects of having an irremovable Executive with

an elected majority in the Legislature as is the case in the Legislative Assembly under the present Constitution: "An Executive which is independent of its Legislature", says the Report "as the Indian Executives have hitherto been, can carry on the Government in virtue of authority derived from without; a party Executive can govern because it interprets the will of the people as represented by the Assembly, but wherever, as in Canada or Malta, attempts have been made to set up an irremovable Executive and a popular Assembly acute conflict has ensued and has resulted either in advance to popular government or a return to autocracy." It is scarcely necessary to point out that since the above passage was written, responsible government has been introduced in Malta with certain reservations relating to matters of Imperial interests.

"We think that the Behar Government has correctly summed up the position in the provinces by saying that Dyarchy is working 'creakily' and 'minor remedies may cure a creak or two.' We have examined in detail the sections of the Government of India Act and the Rules made thereunder with a view to see how far 'creaks' discovered can be 'cured.' We are satisfied that this process, though it may lead to some improvement of the administrative machinery in some respects, will not produce any substantial results. We do not think that the suggested amendments, if effected, will afford 'valuable training towards responsible government' or will provide any solution of the difficulties which we have discussed in our chapter on political conditions, or that they will strengthen the position of the Provincial Governments in relation to their Legislatures or that of the Central Government in relation to the Assembly.

"The majority of our colleagues say that no alternative transitional system has been placed before us. We think that no such alternative transitional system can be devised which can satisfactorily solve the administrative or political difficulties which have been brought to our notice. To our mind the proper question to ask is not whether any 'alternative transitional' system can be devised but whether the constitution should not be put on a permanent basis, with provisions for automatic progress in the future so as to secure stability in the government and willing co-operation of the people. We can only express the hope that a serious attempt may be made at an early date to solve the question. That this attempt should be made—whether by the appointment of a Royal Commission with freer terms of reference and larger scope of enquiry than ours or by any other agency—is a question which we earnestly commend to the notice of the Government."

The following are detailed extracts from the Minority Report:—

After summarising the complaints against the present system, as given on p. 46, the signatories say:—

We propose to deal with them as follows:—

(1) Government being a single unit, experience shows that it is impossible to divide its functions into water-tight compartments, indeed from a constitutional

point of view a division of the functions of Governments is scarcely practicable. But the real difficulties of the division effected by Dyarchy which, in the words of the Governor-in-Council of the United Provinces, is "a cumbersome, complex and confused system, having no logical basis" appear most clearly when the system is examined from an administrative point of view. In their despatch of the 11th November, 1918, the Government of Bombay observed as follows:—

"A reference to the records of the Government will show that there is seriously a question of importance which comes up for discussion and settlement in any one of the Departments of Government which does not require to be weighed carefully in the light of considerations which form the province of another Department of Government. The Primary duty of the Government as a whole is to preserve peace and order to protect the weak against the strong, and to see that in the disposal of all questions coming before them the conflicting interests of the many different classes affected receive due attention. And it follows from this that practically all proposals of importance put forward by the Minister in charge of any of the departments suggested for transfer will involve a reference to the authorities in charge of the reserved departments. There are few, if any, subjects on which they (the functions of the portions of the Government) do not overlap. Consequently the theory that, in the case of a transferred subject in charge of a Minister, it will be possible to dispense with references to Departments of Government concerned with the control of reserved subjects is largely without foundation".

We do not think that the anticipations of the Bombay Government were by any means extravagant and from the evidence before us we are satisfied that those anticipations have proved remarkably true in actual administration. In this connection we would refer to what Mr. Chintamani has said in his memorandum: "In the light of my experience, I must endorse every word of the above passage. The observations of the Government of Bombay on the question of financial control leading up to the conclusion that Ministers alone cannot be responsible to the Legislature because of the real control that the Finance Department must exercise over all the expenditure up to the time when it is made have been demonstrated to be not a whit less true". It is by no means difficult to conceive that the points of view of popular Ministers and the members of the Executive Council who owe no responsibility to the Legislature and at least half of whom are brought up in official traditions from the start of their career should not infrequently vary and lead to unsatisfactory results. We regard this feature as one of the inherent defects of Dyarchy.

Joint Responsibility.

The next defect which we desire to notice is one that was very much pressed on our attention during our investigation. It was pointed out to us by a majority of the ex-Ministers whom we examined that the Ministers were dealt with by their Governors individually and not collectively. In other words, the point raised was that there were Ministers but no Ministries. The evidence of Mr. Chitnavis and Rao Bahadur Kulkar of the Central Provinces, of Lala Harbhadrul of the Punjab, and of Mr. P. C. Mitter of Bengal shows that not only did the Governors act with their Ministers separately but the latter, in some provinces at any rate, themselves did not observe the convention of joint responsibility. On the other hand, the evidence of Mr. Chintamani shows that the late Ministers in the United Provinces prescribed for themselves a different course of conduct consistent with the true constitutional position. Dealing with the question of the relations of the Governor and the Ministers, Mr. Chintamani describes in detail the practice followed in the United Provinces at the commencement of the new era and the variations of that practice later on.

U. P. Government's Views.

The Governor-in-Council of the United Provinces, in his letter, dated the 3rd July 1924, however, takes the view that "even in England the joint responsibility of the Cabinet does not extend to all the acts of all the Ministers composing it; and in India, where the Ministers are not always drawn from a single well-organised party, the ties between them cannot be as close as they are in England. But it rests in the main with the Ministers themselves to determine how far joint responsibility is to be carried. Pandit Jagat Narain, the late Minister for local self-government, carried it to the point of resigning over a question with which he

had no concern, but to insist that the resignation of one Minister must always entail that of his colleague or colleagues, might often, in the conditions at present obtaining, make it impossible to form a Ministry." We recognise that sometimes a Governor may find it difficult to form a homogeneous Ministry, but in our opinion there should be no insuperable difficulty for a Governor to appoint, from different groups, Ministers who would agree to work upon a footing of joint responsibility. On this question the Joint Select Committee in their second Report observed as follows:—"The Committee think it important that when the decision is left to the Ministerial portion of the Government the corporate responsibility of Ministers should not be obscured. They do not intend to imply that, in their opinion, in every case in which an order is passed in a transferred department the order should receive the approval of all the Ministers; such a procedure would obviously militate against the expeditious disposal of business and against the accepted canon of departmental responsibility. But in cases which are of sufficient importance to have called for discussion by the whole Government, they are clearly of opinion that the final decision should be that of one or the other portion of the Government as a whole."

The Central Provinces Government's Views.

We shall now briefly review the opinions of some of the local Governments. The Governor in Council of the Central Provinces in his letter, dated 7th July 1924, takes the view that at the present stage of development of those provinces, the joint responsibility of the Ministers would mean the absolute rule of the majority party in the Council in the transferred departments. The Governor would prefer to let the convention come into being by a natural process of growth as the result of the development of party organisation. We shall deal with the question of party organisation hereafter.

The Madras Ministers.

We may call attention to paragraph 22 of the letter of the Government of Madras, dated 30th July, 1924. The Madras Ministers also have in their minute adverted to this question. The Honourable the Raja of Panagal, in his minute, dated 12th June 1924 observes: "Each Minister has to deal with a Governor individually. There is no joint ministerial responsibility." The Honourable Sir A. P. Patro in his minute, dated 12th June 1924 observes: "The difficulty created by section 52 is to place the Ministers completely under the power of the Governor. There is no room for development of joint and corporate responsibility under the circumstances. The Act ought to provide for the independence of the Ministers and the Governor acting with the Ministers should decide any question by a majority."

Madras Government's View.

Dealing with these criticisms of the Ministers, the Governor in Council observes: "The provisions of sub-section 3 of Section 52 contain nothing inconsistent with the development desired; the Governor is to be guided by the advice of his Ministers, unless he sees sufficient cause to dissent from their opinion. It is rather the wording of the Instrument of Instructions and of various passages in the Devolution Rules which seem to contemplate that the Governor is to act with a Minister and not with his Ministers. In so far as these documents contain provisions practically inconsistent with or detracting from the conception of joint responsibility of Ministers, there may be a case for their modification. So far as this Presidency is concerned, the difficulty is more theoretical than practical. The Cabinet system to which reference has been made has tended to foster joint responsibility among Ministers involving, as it has done, the attempt to administer affairs as a joint Government. In other provinces, it is believed, Ministers were not usually shown as representing a particular party, and it is doubtful if they could be chosen now. Instead of altering the Act as the Ministers appear to contemplate, it would probably be sufficient to modify the Instrument of Instructions and the Devolution Rules, and to trust to the growth of a convention such as tends to be established in Madras.

Thus the difficulty has mainly arisen by reason of the wording of the Instrument of Instructions, but we desire to point out that party system is already beginning to grow and we anticipate that with the march of events, it will become stronger and more defined at no distant date. But the growth of joint responsibility should be allowed to depend upon the personal education of the Governor or the Ministers. In our opinion, the statute itself should be so amended as to secure the joint responsibility of the Ministers.

THE REFORMS ENQUIRY REPORT

Joint Deliberation.

We now pass to the third complaint which seems to us to be one of vital importance, having regard to the mixed character of the Executive Government. The Act itself makes no provision for joint deliberation between the two sections of the Government. The Joint Select Committee, however, laid considerable stress on the desirability of fostering a habit of joint deliberation in regard to a large category of business of the character which would naturally be the subject of Cabinet consultation. The Committee were distinctly of the opinion that joint deliberation between members of the Executive Council and the Ministers sitting under the chairmanship of the Governor should be carefully fostered. The Committee attached the highest importance to the principle that when once opinion has been freely exchanged and the last word had been said, there should be then no doubt whatever as to where the responsibility for the decision lay. Therefore, in the opinion of the Committee, after such consultation, when it was clear that the decision should lie within the jurisdiction of the one or the other half of the Government that decision in respect of a reserved subject should be recorded separately by the Executive Council and in respect of a transferred subject by the Ministers, and all acts and proceedings of the Government should state in definite terms on whom the responsibility for the decision rested. The Committee visualised to themselves the Governor acting as an informal arbitrator between the two halves of the Government. They considered that it would be the duty of the Governor to see that a decision arrived at on one side of his Government was followed by such consequential action on the other side as might be necessary to make the policy effective and homogeneous. Lastly, they laid down that in the debates of the Legislative Council members of the Executive Council should act together and Ministers should act together but should not oppose each other by speech or vote. Members of the Executive Council should not be required to support either by speech or vote proposals of Ministers of which they did not approve; they should be free to speak and vote for each other's proposals when they were in agreement with them.

Mr. Montagu's Views

Mr. Montagu in his speech of 5th June 1919, on the motion for the second reading of the Government of India Bill in Parliament, put the position more briefly as follows—"If reserved subjects are to become transferred subjects one day, it is absolutely essential that during the transitional period, although there is no direct responsibility for them, there should be opportunities of influence and consultation. Therefore, although it seems necessary to separate the responsibility there ought to be every room that you can possibly have for consultation and joint deliberation on the same policy, and for acting together for the purpose of consultation and deliberation, as the bill provides, in one Government." We have taken the liberty quoting these passages at length because the question of joint deliberations has attracted much public notice and some of the Governors in Council have also referred to it in their letters to the Government of India. Our attention has also been drawn by some witnesses to the varying practices in the provinces. In Bengal, we gather from the letter of the Governor in Council, dated the 31st July, 1924, that the two halves of the Government worked in unison and that the system of dyarchy was not liberally adhered to.

Varying Practice.

The Governor in Council of the Central Provinces in the letter dated the 7th July 1924 stated that in his province every effort had been made to carry on the Government in the spirit of the recommendations of the Joint Select Committee. But to secure uniformity the Governor in Council considered it desirable to include in the rules of business made under section 49 (2) of the Act a rule requiring joint deliberation between both halves of the Government on all questions of important policy. From the letter of the United Provinces Government, we gather that since His Excellency the present Governor assumed office, there has in fact been joint deliberation on all matters in which both sides of the Government were concerned. Mr. Chintamani has in his memorandum given his impression of the joint working of the two halves of the Government. According to him, the practice was followed for the major part of the first year, but in the second year of his office joint meetings of the whole Government became less and in the third, still less frequent. The system had worked well, it would appear, just in the measure in which dyarchy was departed from, while misunderstandings, differences and friction became only too frequent after dyarchy came to be a fixed idea in

the Governor's mind. In the beginning, according to him, "there were weekly meetings of the whole Government; such meetings gradually became less frequent until at times we had not more than one in a month, or even one in a couple of months or more." We also find from the evidence that at least on one occasion one member of the Executive Council spoke openly at a meeting of the Legislative Council against the policy of the Ministers. We understand that in Bombay joint meetings were held from June 1931 onwards, but files or papers relating to business on the reserved side do not appear to have been, as a rule, circulated to the Ministers who were consequently unable to give any considered opinion on it. They therefore abstained, as we are informed by one of our colleagues, Dr. Paranjpye, from taking any prominent part in the discussion. In Madras, we gather from the letter of the Governor in Council that "joint consultation between the two parts of the Government has from the first been laid down as essential and has not been without the advantage of increasing the influence of Ministers in the Councils of the Government and in extending that influence over the whole range of Government activities. It has also resulted, as the Ministers themselves would probably admit, in giving them the advantage of the steady influence of the wider administrative experience enjoyed by their colleagues of the reserved half, and His Excellency the Governor in Council regards it as one of the most encouraging symptoms that Ministers have been ready to weigh well the advice thus given them, as well as that of the secretaries and heads of departments under them." Dealing with this matter, Sir K. V. Reddi, an ex-Minister in Madras, says: "It must not, however, be forgotten that it was not the dyarchical system as conceived in the Act but an attempt to ignore it and get over its inherent difficulties that made it possible to achieve the little success which Madras is believed to have achieved."

To sum up, the conclusions which we have arrived at on this point are:—(1) that the system of joint deliberation between the two halves of the Government in the spirit of the recommendations of the Joint Select Committee has been followed only in Madras and Bengal; (2) that in other provinces it has either not been followed consistently or to the extent and in the manner contemplated by the Joint Select Committee or laid down in the Instrument of Instructions; (3) that in some provinces at any rate Ministers have not been satisfied with the manner in which it has been followed. Much as we appreciate the wisdom of the recommendations of the Joint Select Committee and of the observations of Mr. Montagu, which we have quoted above, we feel that in the best of circumstances the habit of Joint deliberation between the two halves of Government, good as it may be so far as it goes, cannot, without the element of common responsibility, lead to efficiency in the administration nor always to harmonious relationship between members of the Executive Council and the Ministers. Indeed it seems to us that at times it is apt to weaken the position of the Ministers, "vis à vis" the Legislative Councils and the electorate in relation to reserved subjects, more particularly when there is occasion for differences of opinion in regard to the questions of policy between the Legislature and the Executive. We are anxious to safeguard ourselves against conveying the impression that given dyarchy to work, we do not appreciate the value of joint deliberation between the two halves of the Government, but we maintain that it is an inherent defect of the present Constitution that the Government should be divided into two halves.

The Public Services

We turn, now, to the question of the relation between the reformed Government and the public services. Some of the Governors in Council have referred to it either in their reports of 1933 or in their letters of 1934. The question has been approached from various points of view. The Governor in Council in Madras in Paragraph 27 of his letter of the 10th July, 1933, says that "it is undoubted that there has been and still is an appreciable amount of discontent and a considerable feeling of insecurity among these services, both as to the terms of their pay and pension and as to their general prospects. The feeling is partly due to the fact that in translating the spirit of the Reforms into practical action a considerable number of posts hitherto reserved at least for the reserved half have been thrown open to all and more are likely to be thrown open in the future to Indians, as has already been done, to take typical instances, in the Educational and Agricultural services, while others have been abolished or threatened with abolition. A second cause is uncertainty as to how the Constitution of India under the Reforms will develop in the future. A third arises out of the economic condi-

tions which are a legacy of the War." We note, however, with satisfaction that in the next paragraph he says that "the relations between the Ministry and the heads of departments under their control have generally been cordial; and the local Legislative Council, though naturally sympathetic towards Indian aspirations, has not been unreasonable in its attitude towards the British services. Individual members of the services have undoubtedly found it difficult to serve under the altered conditions; but the great majority accepted the change in a most loyal spirit and have done their best to make the Reforms a success."

The report of the Governor in Council in Bihar and Orissa, dated the 14th August, 1923, after pointing out that though the present intermediary stage between bureaucratic supremacy and popular control creates difficulties, there has been no want of loyal co-operation on the part of the Ministers, observes that "members of the services feel that their tenure is extremely insecure and that any chance of securing suitable employment elsewhere is worth accepting." The Governor in Council in the United Provinces in his letter dated the 3rd July, 1924, makes the following observations: "More than one resolution has been passed which, if carried out, would have deprived them of appointments to fill which they had been recruited. It is not suggested that the Legislative Council has deliberately sought to inflict injustice on European officers. The constitution of the All-India services is not well understood and many members of the Legislature are influenced by the feeling (for which there is justification) that in the past Indians have not received their fair share of the higher appointments. The natural effect, however, of the attitude of the Legislature has been to create in the minds of Englishmen serving in India an impression of hostility and a feeling of insecurity which makes it difficult for them to give of their best. There are distinct signs that the services are losing their former keenness. Since they no longer have the power of shaping policy to the extent to which they had, they no longer feel that the progress of the country depends upon their efforts, nor indeed that any efforts of theirs are likely to have abiding results. Enthusiasm and energy have also been sapped by financial pressure and by the cloud of uncertainty which hangs over the future of the country to which they have given their lives."

In paragraph 10 of Annexure A to the letter of the Central Provinces Government, dated the 7th July, 1924, reference is made to the services' distrust of their own future, to the unfriendly attitude of the local Legislative Council in the beginning, and to the keen desire of the non-official members of the Council for the Indianisation of the services and the resentment of the fact that they are not subject to their control. "During the last year of its life, the feeling of the Legislative Council," so ends the paragraph, "became less unfriendly to the European services and the services had more confidence in the support of the Home Government and Parliament, with the result that the feeling of distrust became perhaps less pronounced." We have given these extracts with a view to show the nature of the complaints of the services and the view taken of their position in relation to the Reforms by the various Governors in Council. How far the present position will be affected by any decisions that may be taken on the recommendations of the Royal Commission on the Superior Civil Services presided over by Viscount Lee we do not feel called upon to discuss.

Anomalous Position

While it is possible to understand the feeling that the services have no longer the power of shaping policy to the extent that they had or their feeling that the progress of the country no longer depends upon their efforts or that any efforts of theirs are not likely to have abiding results, it may as well be pointed out here that this is the inevitable consequence of the transference of power, limited as it is to local Legislatures; and indeed constituted the *"raison d'être"* of the Reforms. The Imperial services in the past have been mainly responsible for the shaping of policy in India and the combination of political and administrative functions in the services is to our mind mainly responsible for the frequency and strength of the criticisms to which they have been exposed in the past. The intensity which public services in England or the Dominions enjoy from hostile or unfriendly criticism cannot, we are afraid, be secured for the services in this country in any large measure unless, among other things, the relations of the services to the Legislature are brought into closer approximation with those prevailing in England or the Dominions. When it is recognised by the public that the services are mere instruments for the execution of

the policy of the Government and that they have no political functions to discharge, we think they will cease to be the targets of that criticism which is pointed out as an undesirable feature of the present political conditions in India; for when that stage is reached, it will be the responsible Ministers and not the services who will have to bear the brunt of public criticism. As matters stand at present, the control of the services or their recruitment does not rest with the local Governments or with the Government of India. It seems to us; therefore, that in the best of circumstances the present position is apt to give rise at times to friction and a feeling of mutual distrust which cannot be conducive to efficient and good administration.

Ex-Ministers' Views.

In the course of the evidence that we have recorded, some allegations have been made suggesting or implying want of co-operation on the part of the services with the Ministers. We have carefully considered in this connection the evidence of the ex-Ministers who appeared before us. Some of them, such as Sir P. C. Mitter, referred emphatically to the support and loyal co-operation which they always received from the permanent officials. He, however, stated that his relations with some of the members of the Indian Educational Service were not happy. Mr. Kelkar's evidence does not warrant us in coming to the conclusion that there was any want of loyalty on the part of the officers attached to his departments, though there might have been some occasions on which he and the heads of departments and secretaries might have on matters of opinion come into conflict. Mr. Harkishen Lal's evidence too does not justify us in arriving at any decision adverse to the loyalty of the services. Mr. Chintamani's evidence shows that there were many officers whose attitude towards the Ministers was correct, and some were cordial and helpful. In his oral evidence he stated that the relations between him and his officers were quite good in the beginning, though not so good with some of them throughout. He however never questioned the honesty of those officers who differed from him. Sir Chimanlal Bhatvala, who was a member of the Executive Council, Bombay, admitted that he received the greatest assistance from the services, though he pointed out that on certain occasions there was, owing to their lack of control over the services, embarrassment caused to the Ministers. Our own conclusion upon a review of the evidence is that, generally speaking, the attitude of the members of the services was one of loyal co-operation, though in a few exceptional cases it might not have been so. At the same time, we are bound to point out that our analysis of the situation leads us to think that two important factors have operated to affect the relations of the services to the Ministers. The first is the natural difference between the points of view of members of the permanent services and the Ministers in regard to questions of policy, inasmuch as they represent different schools of thought, one bureaucratic and the other popular. The second factor is that under the present Constitution the Ministers feel that the services can look to higher powers for the enforcement of their views in cases of differences which tends to undermine the Ministers' authority.

We venture to think that under the present system, the entire constitution, the methods of recruitment and control of the services are incompatible with the situation created by the Reforms and the possibility of their further developments. The present organizations of the services came into existence when admittedly the centre of political gravity was outside India and when the services took a leading part in the shaping of policy. Those conditions have appreciably changed and will change still further, and it is but natural that there should be dissatisfaction among the services with their position and also among the Legislatures with the restraints and limitations imposed on their powers in relation to the services. We think that the question of the services is inseparably connected with the question of constitutional development in India and we are of the opinion that the relation of the services to the Legislatures cannot be put on a satisfactory and enduring basis by a mere amendment of the rules or even by the delegation of certain powers under section 94B. We desire to repeat what we have already stated, that the position of the permanent services in India should be placed on the same basis as in England. We fully realize the imperative necessity of safeguarding the interests of the services. Whether this can be achieved by the passing of an Act by the Imperial Parliament or by the Indian Legislature or by the incorporation of special provisions for the protection of the rights and interests of the services in the future Constitution of India, are questions on which we recognise there may be differences of opinion.

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Whichever method is adopted, we are persuaded that the question calls for an effective and early solution.

We are aware of the provisions of the Government of India Act relating to the appointment of a Public Services Commission. We recognise the value of such Commissions in the Dominions, and while we think that the appointment of such a Commission in India should lead to the solution of many difficulties which have arisen in connection with the services, we feel that without a proper definition of the relations of the services to the Legislature in the light of the new conditions introduced by the Reforms, it will not be easy to secure smooth and harmonious working of the Constitution.

Public Services Commission.

While we accept the principle underlying the appointment of such a Commission, we desire to point out that the Commission contemplated by the statute is one owing its appointment to, and deriving its authority from the Secretary of State in Council, and we cannot see how such a Commission can be appointed by any other authority so long as the action referred to above stands in the Act. We are, however, of the opinion that the statutory power of appointing such a Commission should be vested in the Governor-General in Council, but this as pointed above is obviously impossible without an amendment of the Act itself. Similarly, section 96B (3) gives the Secretary of State in Council power to make rules for regulating the classification of the Civil Services in India, the methods of their recruitment, their conditions of service, pay and allowances, discipline and conduct. It also provides for the delegation of the power of making rules to the Government of India or to the local Governments to such extent and in respect of such matters as may be prescribed and the authorisation of the Indian Legislature or the local Legislatures to make laws regulating the public services. To the best of our knowledge such delegation in respect of the services has not yet taken place. But we understand that it is proposed to provincialise such of the services as may be directly employed in the administration of the transferred subjects. Without expressing any opinion on the likely effects of the contemplated change we would point out the anomaly of placing the services or any portion of them under the protection or control of any other authority except the Government of India. We are aware of the strong feeling entertained on the subject by the services themselves. We recognise the great importance of keeping them well-contented and beyond the reach of the fluctuations of political opinion or influence incidental to a system of democratic government. But we feel that their position can be secured and the causes of their discontent removed by proper legislation on the subject. We apprehend that proper relations between the Legislature and the services cannot be established so long as the former feel that they have no power of dealing with them in respect of the matters mentioned in section 96B (3), and so long as the latter feel that they can look up to a higher authority outside India in respect of those matters. In our opinion, for the proper cultivation of a due sense of responsibility on either side the basis of their relation should be changed, and we would welcome any legislative enactment which secured the object referred to above. It is, however, obvious that our views cannot be given effect to by the exercise of any rule-making power.

Finance Department.

As regards the general position of the Finance Department in the Provinces, we observe that it occupies a peculiar position in the dyarchical system of Government, and according to the written or oral evidence of several ex-Ministers, it has demonstrated the difficulties and defects of the system more than almost any other of its many anomalies and imperfections. In the first place, it has not in fact been a department common to the whole and independent of either half of the Government, but has been made a reserved department by the Devolution Rules (Rule 56). Ministers are ineligible for the office of the Finance Member, who is the head of the Department. The Finance Member must be a member of the Executive Council. There is no force in the argument put forward in defence of this rule that trained men are required to fill the office, for not all of the officers who have held or now hold it in the provinces had previous experience of the working of the Finance Department, while the Indian member of the Executive Council of Bihar and Orissa who is in charge of Finance has not proved to be less competent than the service members in the other provinces. But had he been an elected member of

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responsible for it, he would have been ineligible for the position. We think this bar should be removed even under the present system.

The provision of the appointment of a Joint Secretary to look after the transferred departments does not solve the difficulty of the early part of the rule from the point of view of the Ministers. If advantage had been taken of it by Ministers it would only have produced, very likely, administrative difficulties and friction and we are not surprised, therefore, that in no single province has it been utilised.

It has been stated that the Finance Department can only give advice on the financial aspect of administrative proposals and can do no more and that Ministers are at liberty not to accept the advice. This we fear must be regarded as an incomplete and a theoretical description of the position and, in the light of what nearly all the Ministers and ex-Ministers whose opinions have been furnished to us have said, we cannot accept that description as being wholly in accord with actual facts. The evidence of the Ministers and officers of the Finance Department has made it clear that the Finance Department in examining proposals of the other departments not only considers the financial point of view but also considers the policy of the proposals and this procedure has been sought to be justified on the analogy of the Finance Departments in other countries where control is said to be even more stringent than that exercised by Finance Departments in India. But the two cases are not on all fours, for in those countries the Government is unitary and the policy to be criticised is that accepted by the whole Government of which the Finance Department forms a part. But in the provinces under Dyarchy the policy of the Transferred Departments is the policy of the members who are responsible to the legislatures, and the examination of the policy of the Transferred Departments by the Finance Department is therefore open to grave objection.

As regards the liberty enjoyed by Ministers to reject the advice of the Finance Department, it must be pointed out that their only remedy then is to appeal to the Governor against the Department. We fear that it is not correct to say that it is the department which has to lay such appeal. Where there is a divergence of opinion, all that remains for the Finance Department to do is not to release the needed funds, unless and until the Minister concerned has produced before it the sanction of superior authority, namely the Governor.

Finance Member

One general complaint against the provision of a very serious character has been made that the Finance Member is also in charge of some spending departments and that naturally enough there is an unconscious desire on his part to promote the interests of those departments at the expense of others, and particularly of the union-building departments under the control of the Ministers, with the result that in many provinces Ministers have felt that their departments have been starved. To this prominence of the Finance Department several of the ex-Ministers have referred in the course of their examination: but this suggestion has been repudiated by some of the Governors in Council. Our examination of the reports of some of the local Governments which give the figures shows that the division of expenditure between the reserved and transferred halves has been as follows:—

		Reserved.				Transferred.	
Madras—							
1921	...	63	per cent.	...	...	33	per cent.
1922	...	67	per cent.	...	...	33	per cent.
1923	...	66	per cent.	...	...	34	per cent.
Bengal—							
1921	...	70	per cent.	...	...	30	per cent.
1922	...	68	per cent.	...	...	34	per cent.
1923	...	66	per cent.	...	...	34	per cent.
Azam—							
1921	...	78	per cent.	...	...	22	per cent.
1922	...	74	per cent.	...	...	26	per cent.
1923	...	74	per cent.	...	...	26	per cent.
Bihar and Orissa—							
1921	...	30	per cent.	Recurring	...	70	per cent.
1922	...	30	per cent.	Non-recurring	...	70	per cent.
1923	...	36	per cent.	Recurring—non	...		
				Recurring	...	74	per cent.

It has been admitted by Sir Frederic Gauntlett that it is unsatisfactory that the Finance Member should have charge of any administrative departments. Assuming that what has been called "the costly remedy" of appointing a member of Government to be exclusively in charge of finance is adopted, we are still doubtful that it will be a real and full remedy. It was, however, pointed out to us that it would not be because the Finance Member would still continue to be a part of the 'Governor in Council' charged with the responsibility for the administration of the reserved and with no direct responsibility for the transferred subjects. We are impressed by the validity of this objection.

Yet another suggestion was made in the course of the examination of one of the ex-Ministers who came before us. It was that the Finance Member should be neither a member of the Executive Council nor a Minister. What will he be then? Will he be a Member of the Government? Will he be only an adviser? To whom will he be responsible? We mean no discourtesy if we are unable to treat this particular suggestion as being at all feasible.

There still remains one last objection. Even if satisfactory arrangements can be made to meet the criticism which have been rightly made of the present system, we have still to consider the position of the Governor. He is the supreme appellate authority in all matters of disagreement between his two sets of colleagues. In regard to differences between the two halves of the Government arising over financial matters, his position must be extremely delicate and embarrassing. He is ultimately responsible to Parliament through the Government of India and the Secretary of State for the administration of the reserved subjects, of which finance forms a part under rule. Therefore the tribunal to which alone the Minister can appeal is far from being satisfactory. This is a prominent feature of the present Constitution and its defective nature has been stressed by more than one Minister and ex-Minister.

It has been suggested that the evils of the present system can be remedied by the adoption of the system of a separate purse. We do not favour this, for it is calculated to aggravate the difficulties instead of mitigating them. The question was thoroughly examined by the Joint Select Committee and, in our opinion, rightly objected. The most careful and anxious deliberation that we have been able to bestow upon this part of the subject leads us to but one conclusion. The only cure to be had is in the replacement of the dyarchical by a unitary and responsible provincial Government.

Condition of the Electorate

In the course of our enquiry and discussion, we have had to give our consideration to certain important conditions of advance. They are connected with (a) the position of the electorates with reference to their education and capacity; (b) communal tension and tendencies; (c) the representation of the depressed and working classes; (d) the size and heterogeneity of the provinces; and (e) internal security and self-defence. We propose now to deal with these conditions "seriatim."

(a) ELECTORATE AND THE PUBLIC.—Our attention was frequently drawn to the extent of interest displayed by the public, and particularly by the electorates, in the elections to, and subsequently in the activities of, the Legislatures. The number of voters who went to the polls in 1920 was a small percentage of the total, mainly owing to the political atmosphere which prevailed at the time, and ranged from 10·5 per cent. in Assam to 41 per cent. in the rural constituencies of Bihar and Orissa. Those who then preached a boycott of the Councils continued their hostility to the Reforms, and belittled, while the movement lasted, the efforts and achievements of these representatives of the people. In consequence, the task of political training, which is one of the chief obligations of members of the Legislatures, was a somewhat onerous one, and it must be confessed that in this respect the record of the members has on the whole been inadequate, though not so meagre as several local Governments seem to think. Some of them have referred in their reports to the indifference and apathy of the outside public towards the proceedings of the Legislatures. The Madras Government say that considerable interest and appreciation has been displayed by the public from the commencement of the Reforms, and that the constituencies have been keenly alive. In the Punjab public interest in the proceedings of the Council rose and fell, it is said, with debates with a pronounced political flavour; in the Central Provinces, the Government record a steadily rising tide of popular appreciation of the efforts of their repre-

sentatives in the local Legislature. The discussion of agrarian questions in the United Provinces and the Behar and Orissa Legislative Councils has brought home to large numbers of voters the value of the franchise.

We may here refer to some pertinent remarks of H. E. Sir Malcolm Hailey in opening the Punjab Legislative Council in November 1934. "The extension of the electoral system has brought into the orbit of politics classes whose interests were previously unvoiced and the free discussion here of their needs and requirements has given a new aspect to the whole of the public life in the Punjab. The value of this development must not be judged merely by the force of the impact on Government policy of the views of these classes. The awakening of political consciousness among our rural classes has given them a new outlook as there is an insistent demand among them for better education, and for vocational training, great activity in availing themselves of character-building institutions such as co-operation, a new and more intelligent interest in all that concerns their economic welfare." During the elections of 1932, the participation of the Swaraj Party rendered the contests in many of the constituencies very keen and the polling was consequently much heavier than the first elections. Even so, we are aware that the number of those who actually utilized their vote is a small proportion to the total population. Nor do we wish to overlook the fact that only six millions representing between two and three per cent. of the total population has been enfranchised. But it may not be amiss to point out here that in England, at the time of the first Reform Bill in 1832, only 3 per cent. were enfranchised, and these belonged to the rich and privileged classes; between 1832 and 1867, the number increased to 4.5 per cent., in 1867 to 9 per cent., in 1884 to a little over 18 per cent., and it is only in 1918 that the number rose to over 50 per cent. (See Dr. W. A. Chapple's "Function of Liberalism," Contemporary Review, September 1934). We would in this connection also draw attention to some impressive facts relating to the position in the United Kingdom as regards the state of the electorates and cognate matters, which Mr. Chintamani has cited in an addendum to his memorandum:—

"Previous to 1832 there were less than 5,00,000 persons who had the right to vote in the election of members of Parliament. The Reform Act of that year increased the number to nearly 10,00,000; the Act of 1867 increased it to 15,00,000; the Act of 1884 increased it again to 55,00,000; and last of all the Act of 1918 increased the number of the electors to over 120,00,000. There are several millions of women to whom the vote is still denied" ("Principles of Liberalism," 1924, Liberal Publication Department Booklets, No. 2.)

"Most of the English boroughs may be roughly divided into those which were sold by their patrons, the great territorial magnates, and those which sold themselves to the highest bidder." The country constituencies of forty shilling freeholders, although limited and unequal, were less corrupt and more independent than the voters in boroughs, but they were practically at the disposal of the great nobles and local landowners. In 1793, when the members of the House of Commons numbered 588, no fewer than 384 were nominally returned by less than 15,000 electors, but, in reality, on the nomination of the Government and 197 private patrons. The Union with Ireland in 1801 added 100 members to the House, of whom 71 were nominated by 65 individuals. In 1816, of 688 members of the House, 487 were returned by the nomination of the Government and 267 private patrons. Of these patrons, 144 were peers. "The glaring defects of the representative system—the decayed and rotten boroughs, the private property of noblemen, the close corporations openly selling the seats at their disposal to members who, in turn sold their own parliamentary votes, and the existence of great manufacturing cities distinguished by their wealth, industry and intelligence, and yet possessing no right of sending representatives to Parliament" (Taswell, Langmead's constitutional History of England).

Small as is the proportion of the population of which the Legislatures are directly representative, some of the local Governments have admitted their representative character. Thus, the Madras Government say that "the Council represents public opinion and to a certain extent also creates it." The Bombay Government make the same admission "In the sense that all the chief communities are represented in it and the members understand the interests of their communities and are ready to defend and support them." The Punjab Government remark that the Council was representative of various shades of opinion but moderate public opinion was predominant. "As a body", they add, "the Council was divided

cautions and strongly imbued with the conservative ideas traditionally associated with the farmer class."

We have not been able to find the exact number of illiterates among the present electorate. But notwithstanding the fact that education in the three B's among the masses has been neglected in the past, we think that the average Indian voter, both rural and urban, is possessed of sufficient intelligence to understand issues directly affecting his local interests and capable of exercising a proper choice of his representatives. We think that the repeated use of the franchise will in itself be an education of potent value and the process of education must go hand in hand with the exercise of political power. We are, therefore, of the opinion that the franchise in every province should be carefully examined, and wherever it admits of lowering, it should be lowered, so as to secure the enfranchisement of a substantially large number of people.

(b) COMMUNAL TENSION AND TENDENCIES.—We are fully aware that the unfortunate tension between the two principal communities, Hindu and Muhammedan, which has recently manifested itself in riots in some towns, is held to be a serious warning against any precipitate or even early move towards responsible Government. We do not wish to overlook the argument or to under-estimate its force, but we wish also to enter a caveat against the tendency to exaggerate the extent of these communal differences, which has been visible in a marked degree in certain quarters. Much as we deplore these dimensions and disturbances, we shall point out that in judging of them and their bearing upon the question of political advance regard must be had to the size of the country and its enormous population and also to the fact that the vast majority of the people live peaceful life, and in rural areas the relations between the two communities are, generally speaking, friendly. It is mainly in towns that unfriendly relations sometimes lead to results which the saner section of each community deplore.

We shall here quote the evidence of Mr. Barkat Ali, a representative of the Panjab Muslim League, which bears out our own views of the matter.

"Q. I want to put you a few questions about the Hindu-Muhammedan situation in the Panjab. The majority of the population in the Panjab are agriculturists. Are they not? A. Undoubtedly.

Q. About 90 per cent of the population in the Panjab live on agriculture directly or indirectly? A. Yes.

Q. Now, is there any Hindu-Muhammedan racial bitterness or feeling in rural areas? A. Nothing of the kind.

Q. Because the interests of the Hindu and Muhammedan population in the agricultural portion of the Panjab are common? A. Yes, identical.

Q. They have common interests? A. Yes.

Q. Now I come to the urban areas. You know that in the Panjab the number of towns exceeding 20,000 in population is very small? A. Yes there are only a few large towns in the Panjab.

Q. In fact, the majority of municipal towns in the Panjab are really large villages? A. Quite.

Q. In the smaller towns, is there any bitterness of feeling between the Hindus and the Muhammedans? A. Not much.

Q. So that this acute phase of communal feeling which is talked of so much exists mainly in the bigger towns in the Panjab? A. In the larger towns of the Panjab.

Q. Like Multan, Lahore and Amritsar? A. You may add to these Rawalpindi also."

Recognising as we do the imperative necessity and urgency for the removal of these differences, we shall point out that the leading members of the two communities have been anxious to bring about the establishment of good relations and we hope that these efforts will bear fruit. We also recognise that the conditions precedent for the success of such efforts are (1) the frank recognition by each community of the principles of religious freedom and the cultivation of habits of toleration; (2) the effective subordination of the interests of minorities in respect of their political representation; (3) the adequate representation of duly qualified members of each community in the public services of the country. So far as the

Under two conditions are concerned, we think that they can be brought about by provisions in the Act itself or the rules thereunder and through the agency of the Public Services Commission. So far as the first condition is concerned, we think that the fulfilment of the other two conditions is bound to have its effect on the general outlook of the minorities concerned, and will materially help the leaders of the communities in their social and moral activities in the cause of friendliness. It will also, we think, give a totally wrong impression of the political attitude of the Muhammedan community to say that being afraid of political power passing into the hands of the Hindu majority they are as a community opposed to responsible Government. The resolution of the Muslim League which we quote below shows in our opinion that the Muhammedans are as keen as the Hindus on the issue of political advance, but that they are anxious that such advance should be accompanied by the protection of their interests.

Muslim League.

"Whereas the speedy attainment of Swaraj is one of the declared objects of the All-India Muslim League, and whereas it is now generally felt that the conception of Swaraj should be translated into the realm of concrete politics and become a factor in the daily life of the Indian people, the All-India Muslim League hereby resolves, that in any scheme of a Constitution for India, that may ultimately be agreed upon and accepted by the people, the following shall constitute its basic and fundamental principles :—

(a) The existing provinces of India shall all be united under a common Government on a federal basis so that each province shall have full and complete provincial autonomy, the functions of the Central Government being confined to such matters only as are of general and common concern.

(b) Any territorial redistribution that might at any time become necessary shall not in any way affect the Muslim majority of population in the Punjab, Bengal and North-West Frontier Province.

(c) Full religious liberty, that is, liberty of belief, worship, observance, propaganda, association and election shall be guaranteed to all communities.

(d) The idea of joint electorates with a specified number of seats being unacceptable to Indian Muslims on the ground of its being a fruitful source of discord and division and also as being wholly inadequate to achieve the object of effective representation of various communal groups, the representation of the latter shall continue to be by means of separate electorates as at present, provided that it shall be open to any community at any time to abandon its separate electorates in favour of joint electorates.

(e) No Bill or Resolution or any part thereof affecting any community, which question is to be determined by the members of that community in the electoral body concerned, shall be passed in any Legislature or in any other elected body, if three-fourths of the members of that community in that particular body oppose such Bill or Resolution or part thereof.

"That in the opinion of the All-India Muslim League the Reforms granted by the Government of India Act, 1919, are wholly unsatisfactory and altogether inadequate to meet the requirements of the country and that the virtual absence of any responsibility of the Executive to the elected representatives of the people in the Legislature has really rendered them futile and unworkable, the League therefore urges that immediate steps be taken to establish Swaraj, that is, full responsible Government having regard to the provisions of the previous resolution and this, in the opinion of the League, can only be done by a complete overhauling of the Government of India Act, 1919, and not merely by an inquiry with a view to discover defects in the working of the Act and to rectify imperfections under its rule-making power."

Other Minorities

We are of the opinion that notwithstanding the note of warning sounded by some Muhammedan representatives from Bengal, the correct interpretation of their attitude is that if the condition mentioned above are fulfilled and no majority is reduced to a minority in any province, they will agree to political advance. Our attention has also been drawn to the attitude of other minorities but we shall observe that so far as the Sikh community in the Punjab is concerned, it will decidedly welcome political advance, while the Indian Christian community has not only publicly supported it but generally deprecates separate representation. As regards the Non-Brahmins in Madras, we shall content ourselves with saying that they are not a minority and whatever may be said of their attitude towards the Brahmins, it cannot be said that on communal or on any other grounds they are

opposed to political advance. On the contrary, having secured a large majority in the Council in Madras since the new era has been inaugurated, the present Ministers in Madras distinctly favour advance. While therefore, we think that in the present condition it is unavoidable that due regard must be paid to communal interests and that they should be adequately safeguarded by provisions in the Constitution, we do affirm that by the mere postponement of the solution of questions connected with Constitutional advance not only will no useful purpose be served but that it may make the task more difficult in the future.

(c) "REPRESENTATION OF DEPRESSED AND WORKING CLASSES." As regards the representation of the depressed and working classes, we are of the opinion that the correct principle to follow would be to lower the franchise so as to give them a chance, through the open door of election in general electorates; but where practical considerations point to a different conclusion, we would suggest that for the next few years only special constituencies might be formed for them. Our colleague, Dr. Paranjpye is of the opinion that it should not be at all difficult to secure their representation in the Bombay Presidency by election from three or four districts. Similarly as regards factory labour, we favour their representation by election. We think that though disorganised at present, labour is showing distinct signs in urban areas of organising itself at no distant date. We anticipate that this process will be expedited by labour legislation which we understand is under contemplation of the Government of India.

(d) "SIZE AND HETEROGENEITY OF THE PROVINCES." We are aware that one of the objections raised in certain quarters to any further political advance is that some of the Governors' provinces are too big in size and population and heterogeneous in character to admit of the proper working of self-governing institutions. The subject is too vast and complicated to be discussed with the materials before us. But we are of the opinion that the consideration of the general redistribution of territories should not precede any constitutional advance, and in any case redistribution should not be effected without the consent of the populations concerned. We are, however, strongly opposed to the use of section 60 for the appointment of Deputy Governors.

(e) "INTERNAL SECURITY AND SELF-DEFENCE." Another vital condition of political advance is that whatever be the form of government it should be in a position to discharge in an effective manner its primary function of maintaining internal security and defending the borders of the country against foreign aggression. This function is at present discharged directly by the provincial Government so far as internal security is concerned though in cases of emergency they have to depend upon the support of the military. As regards defence against foreign aggression the responsibility rests with the Central Government. In our Chapter relating to provincial autonomy we have tried to envisage the future constitutional position in regard to matters of defence. We recognise the difficulty and complexity of the problem, but we also feel that there is urgent and pressing need for taking active steps to prepare India for her defence so that she may take over ultimately the management of her resources of defence. We are aware of the steps which in recent years have been taken towards the realisation of that ideal. We refer to the grant of King's Commission to a small number of Indians, the opening of a Military College at Dehra Dun, to the pending proposals for the development of Territorial and Auxiliary Forces and the Indianisation of eight Units. We recognise that these matters are closely connected with the question of India's political advance and we feel that there can be no stability about any Constitution which may be devised for India without at the same time taking steps to prepare her for her self-defence within a reasonable period of time. In order to satisfy this condition of political advance we think that it is necessary to prepare a scheme which will have a direct relation to constitutional development in the near future to enable India to achieve full dominion status. We naturally do not feel ourselves called upon to enter into the details of any proposals. We have ventured to express these views only because it appears to us that this vital condition of political advance must be stated and recognised.

India in Home Polity

Jan.-June 1925.

The All-Parties Conference

DELHI-23RD JANUARY 1925

The All-Parties Conference Committee convened as a result of the discussion held at Bombay in November 1924, met at the Western Hotel Raisina, Delhi, on Friday, the 23rd January, Mahatma Gandhi presiding. Lively discussion took place on the proposal of M. Gandhi to appoint a sub-committee which would suggest the line of agreement between the Hindus and Musalmans and among all the political parties and also draw up a scheme of Swaraj. Speeches were made by representatives of the various communities and parties explaining their respective positions.

The Conference was attended by a large number of members and also by several Indian members of the Central Legislature. Among those present were Pandit Motilal Nehru, Mr. M. A. Jinnah, the Ali brothers, Sir Mahomed Shafi, Dr. Annie Besant, Mrs. Sarojini Naidu, the Lady Emily Lutyens, Sir Purushotamdas Thakurdas, Pandit Madan Mohan Malaviya, Sardar Mangal Singh, Dr. S. K. Datta, Mr. A. Ramaswamy Mudaliar, Lala Sukhbir Singh, Mr. R. P. Parandikar, Babu Bhagwandas, Mr. S. Srinivasa Iyengar, Mr. Kitchlew, Swami Shradhanand, Sir Abdul Qayum, Mr. C. Y. Chintamani, Dewan Bahadur Ramachandra Rao, Mr. Bharucha, Mr. A. Rungaswamy Iyengar, Mr. Satyamurthi, Babu Rajendra Prasad, Pandit Jawaharlal Nehru, Pandit Hridaynath Kunzru, Lala Lajpat Rai, Lala Harkishen Lal, Mr. M. R. Ayakar, Moulana Abul Kalam Azad, Dr. Ansari, Mr. Ramalinga Reddy, JMr. V. J. Patel, Mr. Jamsadas Dwarkadas, Babu Bepin Chandra Pal and Mr. Shunmugam Chetty.

M. GANDHI explained that the objects of the Conference were to explore the avenues of communal and political unity and formulate a scheme of Swaraj. He suggested the appointment of a Sub-Committee to suggest the lines of agreement.

Mr. CHINTAMANI (Liberal Federation) thought that no useful purpose would be served by the appointment of a Sub-Committee but he did not object to its appointment.

Dr. BESANT thought it would be impertinent, nay, anarchical on the part of this Conference suddenly to make new resolutions which might run counter to those passed by the Belgaum Congress thereby unsettling M. Gandhi from his Presidentship.

M. GANDHI said that his suggestion for a Committee did not go so far as Dr. Besant feared. That suggestion was made to show that Congressmen were not hide-bound to anything, but the new franchise or creed of Congress could not be lightly altered merely because the proposed Sub-Committee might come to certain conclusions. The Congressmen knew their mind and they would prosecute their programme, but if non-Congressmen join the Congress and convince them of error of their ways and of propriety of altering the creed or franchise then they would undertake to call a Special Session of the Congress. Personally he did not expect that any alteration was called for.

Mr. JINNAH said that there must be no delay in appointing a representative Committee to arrive at the Hindu Muslim Unity without which there could be no political unity and there could be no Swaraj without United Congress. It did not matter what the Liberal Federation had laid down or what the other organisations had done. Resolutions passed by the political organisations were not like laws of Medes and Persians unalterable. The object of this meeting was to put everything in the melting pot and see if unity could be achieved.

M. GANDHI at the request of Mr. Dalvi read the Liberal Federation's resolution—(1) That the Liberal Party would rejoin the Congress only if the object of the Congress was defined as Dominion Self-Government to be obtained by constitutional methods, (2) If Non-co-operation and Civil disobedience were definitely abandoned as also the Franchise and (3) If the Swaraj Party were not constituted the only accredited representatives of the Congress in Legislatures. M. Gandhi added that the suggestions from other political bodies were almost along the same lines.

Mr. Chintamani explained that if anything emerged out of the proceedings of the Conference which would suggest reference to the Liberal Federation then its representatives here would do so.

Mr. A. Ramaswamy MUDALIAR, President of the Non-Brahmin Congress at Belgaum, emphasised that the settlement of inter-communal differences was far more important than the questions of the Congress creed, franchise or means for attaining Swaraj. The problem of Brahmin Non-Brahmins was as acute in Madras as Hindu Muslim problem in North India. (Mr. Satyamurthi: Certainly not.) Mr. Mudaliar continuing said that the acuteness of the problem was evident in the acute denial of Mr. Satyamurthi (Laughter). If any definite resolution was passed in the Conference, it will be placed by him before the Non-Brahmin Conference.

Mr. K. DATTA, representing Indian Christian Association, said that he had a watching brief. "We are not going to make any separate demands but we feel we ought to have opportunity of discussing our relationship to others. We desire to know where we come in (hear hear). Inter-communal problem is one in which we are greatly interested and therefore every opportunity should be given for a frank discussion leading to a right atmosphere for settlement of the communal relations."

Pandit MALAVIYA had no objection to the appointment of a committee which would bring about political unity. He agreed with M. Gandhi that it was shown that the Congress should alter its creed and franchise. There could be a special session summoned for the purpose. Indeed M. Gandhi had eliminated some of the differences among the political parties by himself agreeing to certain changes in the Congress programme but the time had come for the revision of the programme of all the political parties in the light of the decisions arrived at by M. Gandhi, by the Swaraj party, and by the Liberal Party. A common programme must be fixed upon so that there could be a united and therefore a really representative Congress. But the proper time had not yet arrived for a committee to consider the Hindu Moslem question and the Swaraj scheme. The Committee appointed by the Hindu Sabha, the Central Sikh League, and the Non-Brahmin Conference had not yet met to

consider their respective communal demands. Moreover the Moslems had not explained what their demands really were. The Hindu opinion as far as he has been able to gather, was from the first opposed to communal representation and the experience of the last few years had only deepened their conviction against it. Communal representation and National Government could not exist together, but so long as Moslems wanted to stick to communal representation on the basis of the Lucknow Pact, the Hindus would in honour be bound to adhere to it. But there could be no extension of principle of communal representation. There was no use in appointing a committee unless the Muslims fully explained in what respects they wanted a reconsideration of the Lucknow Pact.

Mr. JINNAH—I have not come to say what Mussalmans want. We have come to sit with you as co-workers. Let us put our heads together not as Hindus or Mahomedans but as Indians. Do you want to discuss or do you want to wait? The choice is yours (applause.)

Lala LAJPAT RAI said he was not opposed to the appointment of a committee, but the party which wanted revision of the Lucknow Pact must place its cards on the table so that there might be no misunderstanding of the position. As for the Committee of the Hindu Sabha Lala Lajpat Rai informed the Conference that it had prepared a questionnaire based on the views of several Moslem leaders as collected from time to time on the question of revision of Lucknow Pact. This questionnaire would shortly be circulated to a large number of individuals whose answers would be collected and then only could any definite view be formed as to the Hindu Community's demands.

Mr. N. C. Kelkar vigorously supported the appointment of a committee.

Mr. Jamnadas Dwarkadas said the delay in formulating the scheme of Swaraj would be dangerous and this fact should not be lost sight of while they were discussing Hindu Muslim difference.

Mr. M. R. JAYAKAR further supporting the appointment of a committee warned the conference against approaching questions of Swaraj from the point of view of proportion of benefits that each community would get. As soon as the committee for communal unity would submit their report, the question of Swaraj should be gone into, and Dr. Bhasani's scheme might be taken as the basis for discussion.

Mr. C. R. Reddi also supported Mr. Gandhi's proposal.

Swami SHRADHANAND saw no use in appointing a Committee when the Mahomedans had not expressed their demands. As it was now quarter past eight M. Gandhi adjourned further discussion till the next day.

DELHI—24TH JANUARY 1925.

Next day the Committee of the All Parties' Conference resumed the last day's discussion and after important speeches by representative spokesmen including Mr. Jinnah, Lala Lajpat Rai, and Dr. Annie Besant, a fully representative Sub-Committee, consisting of 40 members, was appointed:—

(a) To frame such recommendations as would enable all parties to join the Congress;

(b) To frame a scheme for the representation of all communities, races and sub-divisions on the Legislative and other elective bodies under Swaraj and recommend the best method of securing the just and

proper representation of the communities in the services with due regard to efficiency and

(c) To frame a scheme of Swaraj that will meet the present needs of the country.

M. Gandhi's Introductory Speech.

Mahatma GANDHI presiding thought that if the meeting could arrive at a satisfactory, real and honourable solution of the Hindu-Muslim problem and the Brahman and Non-Brahman problem etc., they would have made a very substantial advance towards Swaraj. If the meeting could find a scheme which would commend itself to all parties, they would have taken a very long step towards Swaraj. If the representatives present at this meeting could see eye to eye on these main questions, then there would be no difficulty in all parties uniting on the Congress platform and making an unanimous demand in the name of the nation.

Mr. Jinnah on Muslim Standpoint.

Mr. JINNAH, addressing the meeting, said that the dispute between the Hindus and the Mahomedans, particularly with regard to their representation in the various legislatures and other elective bodies and with regard to their share in the services, was a question which had been a terrible monster in the way of the country's progress. It was not for the Hindus nor Mahomedans alone to ask what they wanted and it was up to everyone to try and find a solution of the question. Without removing this terrible obstacle they could not make any progress in any direction. "We have come in a spirit of meeting you as friends, and as responsible men who occupy eminent and representative positions in their respective communities, let us put our heads together". Pandit Malaviya had said yesterday that communal representation was an evil standing in the way of nationalism and as the Hindus had accepted it in the Lucknow Pact they would stand by it. But, if the Mahomedans wanted a change then they must explain what they wanted. The Lucknow Pact, said Mr. Jinnah, was arrived at in a scheme formulated as the first necessary step towards the establishment of complete Self-Government. For the purpose of establishing that first step by a constitution which they framed and was accepted by the Congress, they wanted an adjustment of the representation of all communities. As a party to the Lucknow Pact Mr. Jinnah declared that it was never intended to be permanent. But the important and fundamental principle of protecting minorities, wherever they were, was accepted. That was the principle which was reiterated in the proposition of Pandit Motilal Nehru in the Assembly asking immediate steps towards establishing responsible Government.

Proceeding, Mr. Jinnah explained how the details of the Lucknow Pact were settled. Mahomedans were in a majority in the Punjab and Bengal, they being at that time fifty six per cent. in Bengal and fifty four per cent. in the Punjab. On account of the general backwardness of the Mahomedans, it was argued that if the Mahomedans were given their share upon a population basis, it would be putting premium on ignorance and incompetence, and it was suggested that the Mahomedans in both these provinces should submit to joint or mixed electorates. But the Mahomedans pleaded that in such an electorate their voting strength

would become almost nil and they would never get even ten or fifteen per cent. of the seats, and here Mr. Jinnah pointed out that despite the advance that had been made by both the communities there was still the fact that in polling booths feelings and sentiments largely played and voters exercised their powers by giving votes to their own co-religionists. When it was pointed out that a premium should not be placed on incompetence, it was agreed that the Punjab Mahomedans should get fifty per cent. and the Bengal Mahomedans forty per cent. When the Reform Bill was in Parliament the Government of India in despatch made a formidable indictment against the decision at Lucknow in respect of Bengal which only got forty for a fifty-six per cent. population. But the Hindus and the Mahomedans admirably stood by the terms of the Pact and the Joint Parliamentary Committee agreed to the Pact. The trouble then came from the Punjab and Bengal.

The Congress appointed a committee with Lala Lajpat Rai, Dr. Ansari and a Sikh gentlemen to revise the Pact and while this Committee was in the middle of its labours, Mr. C. R. Das struck a pact in Bengal. But the Bengal Pact was turned down at Cocanada. It was, therefore, correct to say that the Lucknow Pact was intended to be a permanent thing.

Protection of Minorities

Now this Conference was contemplating the establishment of Swaraj and there was every justification on the part of Hindus as well as Mahomedans to get the Pact revised. There were both among Hindus and Mussalmans a few nationalists who wanted that separate representation should be done away with while a few might desire an Utopia. Facts must be faced. The large bulk of both the communities had no real confidence in each other. Mahomedans in the Punjab and Bengal felt that they should be restored to their majority. The Lucknow Pact was calculated to protect minorities by 2 methods. One was greater representation than the number warranted; that was why Bombay Mahomedans with 28 per cent population got 33 per cent, U. P. Mahomedans got 30 per cent for 14 per cent population, C. P. and Madras Mahomedans got 15 for 7 per cent. This was recognised in the Reforms Scheme. The other principle of protecting a minority was a provision that no resolution concerning a community should be proceeded with if three-fourths of the members of that community in the Legislature were opposed to it. This provision, however, remained a dead letter.

Mr. Jinnah, concluding, said on behalf of Moslems that they claimed that the Bengal and Punjab Mahomedans should not be reduced to a minority and that in the other provinces the two principles of safeguarding minorities should be accepted as in the Lucknow Pact. The question of representation on the Services could be taken up separately.

Lala LAJPAT RAI said he was not a party to the Lucknow Pact like Mr. Jinnah, but he personally considered that Pact a great blunder. He gave a history of how the Lucknow Pact was arrived at and why the revision of it was undertaken by the Congress Committee of which he was one.

Lala Lajpat Rai said that long before the Pact was thought of Musselman leaders in the early life of the Congress thought that if India got representative institutions it would be a Hindu Raj and Mahomedans being in a minority should not join in any movement with

Hindus at that stage. This was the position taken up by Sir Syed Ahmed Khan and a large portion of Mussalmans; only a minority section among the Mahomedans stuck to the Congress. When the Congress at its Calcutta session presided over by Dadabhai Naoroji made the first demand for Swaraj some Mahomedans said they should not join in the demand and argued that without their being in it the British Raj would not concede any demand. The question therefore when the Lucknow Pact was thought of was how to satisfy the Mussalman demand for communal representation in order to safeguard minority interests. The Mussalmans said they could not accept any scheme without some kind of communal representation. Hence the figures of representation which were quoted by Mr. Jinnah. It was said that that arrangement was a temporary one to be changed afterwards in the interests of the country as a whole. Therefore, it was not only the figures of representation but the fundamental character of representation that was the foundation of the Lucknow Pact.

Proceeding, Lala Lajpat Rai explained that the Congress Committee was appointed to consider the representation of not only Hindus and Mussalmans but also the Sikhs who were not present when the Lucknow Pact was drawn up. The Sikhs complained that they must get communal representation in the same way as the Mussalmans in U. P. and there was a feeling in the minds of both Hindus and Mussalmans that some thing should be done to appease them. But before the Committee's report was published the terms of the Bengal Pact were announced by Mr. C. R. Das. Then the report of the Congress Committee was soon published. The Bengal Pact was rejected by the Congress Committee and was submitted to it for reconsideration. But feeling in the country over the Bengal Pact was so immense that it was not considered opportune to proceed with the Committee's labours. Moreover Mahatma Gandhi was then released from jail and it was thought he would take up the question. Dr. Ansari had collected the material and submitted it to the All-India Congress Committee.

L. Lajpat Rai observed that communal representation was a negation of Nationalism and it was practically dividing the country into water-tight compartments. If the principle of communal representation was extended it was not known how many divisions and sub-division might be created. "I ask you to consider this question, not in the interests of the Hindu or the Mahomedan community, but as one united nation which should stand against those who do not want to give us self-government. If any solution is put forward which will further our country's progress I shall whole-heartedly support it. But remember we have not only to win our liberty but also to keep it. Any patched up agreement by way of altering the figures of representation would only be a backward step. Let us not try to divide the loaves and fishes, but try to evolve a scheme which would further the interests of Swaraj, of unity in the country."

Pandit Motilal NEHRU, who was requested to speak, said he was constitutionally incapable of thinking communally. He could not carry his thought in that channel. But he thoroughly agreed with both Mr. Jinnah and Lala Lajpat Rai. He then suggested the names of members for the Sub-Committee.

Dr. BESANT suggested that if they wanted to get business done they must appoint two separate committees to sit simultaneously and discuss the question of the Pact and the Swarajya Scheme. Vital as the question of Hindu-Muslim Unity was, she felt that more vital was the question of Swaraj. They were all Indians. They had lived in India for thousands of years. They had been under foreign rule for the last hundred and fifty years. It was in the interest of those foreign rulers to keep them divided and whatever Pact might be concluded, the foreigner would find some apple of discord or other to keep them apart. Their quarrel would never cease until they became self-governing and were face to face with problems of Government. She knew Indian history and it was intolerable that England, one of the younger branches in the development of self-governing institutions, should claim dominion over the mother of them all, India. Would Indians, she asked, continue to quarrel while India was dying? Did they realise the position of their peasantry? Did they know that the average life in India was 23½ years? Did they realise that epidemics took almost double the toll of life compared with Western countries, because Indian children were born of starving mothers and were generated by starving fathers? These were questions that faced them to-day; not whether one should get this place or other that place. They must be ready with their scheme of Swaraj and tell the British Parliament to take their hands off India.

Mr. Jinnah, Mrs. Besant said, had given her credit about the preparation of the Commonwealth of India Bill which she did not deserve. She wished she had drafted it herself. The fact was that Committees appointed by the National Convention had done the laborious work which resulted in the drafting of the bill. She was presenting it to them merely as a draft, as something to work on. They could alter and amend it. Briefly put, she wanted complete civil Government at once as soon as Parliament passed the Bill. They must have Cabinets responsible to the Legislatures and the Governor-General and Governor reduced to constitutional heads. But Swaraj must be laid on solid foundations. The villages of India where India lived provided this foundation. They must have in villages real Panchayats and not sham ones and lay their foundation on self-governing villages. There would be five self-governing areas covering the whole of India, namely Village, Taluqa, District, Province and Central Government. This scheme should provide the right to amend the constitution in future, so that hereafter they should not have to go to Westminster. When they were self-governing, if they made even ten blunders, they would be less fatal than even one blunder by a foreign ruler. These were points they had to consider. She informed the committee that she had pledged her word that the scheme of Swaraj shall be in Parliament within the course of a few months. They should sit down and draw up a scheme at least in broad outlines, if not in full details. If they dispersed without formulating a scheme, it would show that for the sake of squabbles they could not come to any decision.

Maulana SHAUKAT ALI supported Dr. Besant's idea of a separate committee. He expressed himself in favour of drawing up a skeleton scheme of Swaraj. He was, he said, an outlaw while Dr. Besant was a constitutional fighter; but in their conclusions they agreed. He

however deprecated the use of tactics in settling the Hindu-Muslim question. One party saying that they must ask for so much, to get that much only irritated him (Applause).

Mr. SATYAMURTHI opposed the idea of a separate committee because, he said, Swaraj scheme and Hindu-Muslim Pact could not be divorced from each other. He particularly emphasised the necessity for the finding out of the minimum necessary in order to secure united political action. What was needed was that when they drew up a scheme and the British Parliament refused to enact it, then all parties, Congress, Muslim League, Liberals and others must stand shoulder to shoulder to enforce their demand, just as South Africa did it when Sir Henry Campbell-Bannerman, the British Premier, asked the House of Commons either to reject the South Africa Union Bill or to pass it without even the change of a comma.

Sirdar MANGAL SINGH then explained the attitude of the Sikhs. They were ready to take their chance at the polls in a general electorate. They deprecated the fight for loaves and fishes. They would be ready to live under any permanent political majority. But that majority must be political and not religious. If there was a political majority ruling, then a minority could win majority. But a permanent religious majority would be fanatical and not be in the interests of the country. So long as this idea of a religious majority existed, so long would Shuddhi and Tabliq movements flourish, because every religious community would try to smelt its numbers. Personally he considered the Lucknow Pact a great blunder.

At this stage Mr. Chintamani suggested that the terms of reference to the proposed Sub-Committee be read to clear misunderstanding.

Pundit MOTILAL said that the committee which had been appointed by the All-Parties Conference at Bombay and the terms of reference to the sub-committee would be the same as those passed by the conference for the general committee. They could not go beyond those terms which were quite comprehensive and included all points of views expressed. Pundit Motilal said that he did not make a speech before, because he thought speeches already made were business like. They had all the same objective of Swaraj, but the unfortunate position was that he did not find people ready to discuss Swaraj before the petty quarrels were settled. Swaraj was unattainable and unthinkable until the Hindus and the Muslims came to a better understanding. He entirely agreed with Dr. Besant that the Government would throw some apple of discord or other. Government must do that. It was the business of the Indian leaders to make the best of their position. He was prepared to confess that some pessimists had declared that unity would never be attainable. The other day he was travelling with a friend from the Punjab who asked whether the speaker seriously thought that Hindu-Muslim unity would be attained. The Pundit replied that was why he was working for it and he was not a mad man. The Punjab friend replied that he took the Pundit to be mad at least in entertaining that hope (Laughter). Such people, added the Pundit, went even to the length of saying that they must reconcile themselves to British rule for all times to come. The attainment of unity was therefore vital for the movement of Swaraj.

After this the Committee agreed to the appointment of a sub-committee of over forty members with instruction to report on or before the 15th February. It was also decided that the general committee will meet in the first week of March to consider the report.

Mr. JINNAH, in urging an early decision, gave expression to his surprise that the Government would let the Assembly discuss the Reforms Enquiry Committee's report in February. As much had been made of Hindu-Muslim differences in connection with the work of the Committee, he wanted to tell the Government, when the time for the discussion of the report came, that Hindu-Muslim differences had been made up and they stood united in their demands.

Mahatma GANDHI replied that Mr. Jinnah's purpose would be served by the publication of the sub-committee's report. The sub-committee would soon sit to work from day to day till it finished its labours and prepared a report. It will consist of the following :—

Mahatma Gandhi, Mr. Chintamani, Sir Sivaswamy Iyer, Mr. Jayakar, Lala Lajpat Rai, Babu Bhagavan Das, Mr. Srinivasa Iyengar, Pundit Malaviya, Swami Shradhanand, Mr. B. C. Pal, Mr. T. C. Goswami, Mr. Jairamdas, Mr. A. Ramaswami Mudaliar, Mr. C. R. Reddy, Dr. S. K. Datta, Sardar Mangal Singh (or Jodh Singh), Mr. Kelkar (or Mr. Abhyankar), Colonel Gidney, Mr. Ramachandra Rao, Mr. Hridayanath Kunzru, Mr. N. M. Joshi, Mr. Anantram, Dr. Annie Besant, Mr. Jannadas Dwarakadas, Mr. Satyasmurthi, Mrs. Naidu, Lala Harkishen Lal, Dr. Kitchlew, Mr. Abdur Rauf, Hakim Ajmal Khan, Mr. Mahomed Ali, Moulana Azad, Dr. Ansari, Mr. Abdul Aziz, Mr. Zafar Ali, Mr. M. A. Jinnah, Mr. Raza Ali, Mr. Mohamed Yakub, Sir Muhamed Shafi, Mr. Barkat Ali, Syed Murtaza Sahib, Mr. Samiullah Khan, Mr. Ahmedali Khan, Mr. Shamsudin, Mr. Sarfaraz Hussain Khan, Sir Abdul Quaym and Maulana Shaukat Ali.

The sub-committee appointed sat later and some members formed themselves into a smaller committee for drawing up a scheme of Swaraj. The whole of the sub-committee and this smaller committee held their deliberations from day to day.

Report of the Swaraj Sub-Committee.

The following is the report of the Swaraj Sub-committee issued by Dr. Mrs. Annie Besant, the Chairman, and submitted to the General Committee of the All-Parties Conference.

The Committee appointed by the All-Parties Conference held in Bombay, met on January 23rd and 24th and elected a sub-committee which divided itself into two groups, one to deal with the Hindu-Muslim union and the other to outline a scheme of Swaraj which should establish India as a self-governing dominion free from interference with her internal affairs.

The group dealing with the scheme of Swarajya consisted of 19 members to whom three were added by co-option at its first and second meetings. I was elected as Chairman and at the third meeting Lala Lajpat Rai was elected in my stead during my absence in Benares where I had to fulfil a previous public engagement which I could not break. The Committee ordered that the reports of the sub-committee should be handed on or before February 15, and considered by the full committee on February 28. The last engagement has, I understand, been altered but the sending in of our report is binding on us.

The list of the Swarajya sub-committee is:—

Dr. Annie Besant, (Chairman), Messrs. C. Y. Chintamani, Shankat Ali, Mahomed Ali, Jawaharlal Nehru, Hridaynath Kunzru, Jairamdas, H. S. Jayakar, S. Srinivasa Iyengar, K. Satyemurti, K. Ramchandra Rao, S. K. Dutta, Lala Lajpat Rai, Sir P. S. Sivaswami Iyer, Bhagavan Das, Mangal Singh, Jamnadas Dwarakadas, Bipin Chandra Pal, N. M. Joshi.

Co-opted members:—Messrs. A. Rangaswami Iyengar, T. Rangachari, B. Sivarao.

Of these ten were called away by their engagement before the fourth meeting leaving seven members of the Assembly and the Chairman and Messrs. Lajpat Rai, Shankat Ali, Mahomed Ali, and B. Siva Rao, twelve in all, to carry on the work. The Sub-committee met on January 25th, 26th, February 1st, 2nd, 3rd, 6th, 9th and 11th. After some general discussion it was decided to lay down certain general principles and to take the draft Bill prepared by the National Convention as the basis. The following outline was decided on.

Fundamental Rights.

(1) Following the resolution passed by the Indian National Congress in December 1914 at Madras it was decided that India should be placed on equality with the Self-Governing Dominions sharing with them privileges and responsibilities enjoyed by them as free nations.

(2) There should be a strong Central Government in India and therefore residuary powers should be vested in it.

(3) The following fundamental rights were passed by a majority:—

(a) No person shall be deprived of his liberty nor shall his dwelling or property be entered, expropriated or confiscated save in accordance with law and by ordinary courts of law. (b) Freedom of conscience and free profession and practice of religion are, subject to public order or morality, guaranteed to every person. (c) Right of free expression of opinion as well as right to assemble peaceably and without arms and to form associations or unions is guaranteed for purposes not opposed to public order or morality. (d) All persons residing within the Commonwealth are equal before law and shall be tried for similar offences in courts of the same order and by judicial officers of same grade and no person shall be immune from penalty annexed to any breach of law nor shall such penalty be varied on account of nationality or caste or class or occupation. (e) There shall be no sex-disqualification with regard to franchise, membership of Governments, of Legislatures and Local Boards, and all offices, functions and powers shall be open equally to both sexes.

(4) To shorten discussion the following principles were accepted for all elected bodies (to be inserted in the Bill in their several places)—(a) All such bodies shall elect their own President. (b) Each Legislature shall have power to increase or diminish its membership subject to change being created as a change in the constitution. (c) Membership of the elective body—its term shall give franchise for the next higher body. (d) Members of one Legislative body shall be ineligible for another simultaneously. (e) The age of twenty-one shall be the necessary qualification for all franchisees; (f) Disqualifications:—No person shall be capable of being chosen or of sitting as members who (1) is an unrehabilitated insolvent or (2) is a lunatic so found or (3) holds any office of profit under the Crown within the Commonwealth, provided that the following persons shall not be deemed to hold an office of profit under the Crown for purposes of this clause:—(1) A Minister, (2) A person in receipt of a pension from the Crown, (3) Officer or member of His Majesty's Military, Naval or Air Forces retired or on half pay; (g) Each Legislative body shall make rules and order for itself; (h) The Franchise shall be graded.

Legislative Power.

(5) The Legislature.—The Legislative power of the Commonwealth shall be vested in the King represented by the Governor-General, Senate and Legislative Assembly, hereinafter called "The Parliament".

(6) (a) The Senate shall be elected by proportional representation by: (i) Members and ex-Members of the Legislative Councils and Parliament, (ii) Members and ex-Members of the District and Taluka Boards and Municipalities, (iii) registered graduates of not less than seven years' standing from a panel of candidates consti-

tuted as follows :—(1) Before each election of the members of the Senate the Panel shall be formed in each province consisting of three times as many qualified persons as there are members to be elected in that area of which one-third shall be nominated by the Legislative Council and one-third by the Senate. (2) Such other persons who have been members of the Senate or of the Council of State under the Government of India Act 1919 as shall signify by notice in writing addressed to the Prime Minister their desire to be included in the panel.

(b) Age of the members shall be at least thirty years ;

(c) Duration of the Senate shall be six years ;

(d) Half the number of the members shall go out every three years ;

(e) The number was first fixed at three hundred but at a subsequent meeting reduced to the maximum of 180 and later still fixed at 180.

(7) The Legislative Assembly.—(a) The number of members shall be three hundred ; (b) age of members shall be at least twenty-five years ; (c) duration of the Assembly four years.

8. The following shall constitute the electorate for Assembly in each province :—(A) Members and ex-members of Legislative Councils and of Indian Legislature representing the Province since the Government of India Act 1919 ; (B) Members and ex-members of the District and Taluka Boards and Municipalities ; (C) All with education up to the graduate level or diploma granted for training after High Schools or equivalent general or technical education ; (D) Members of recognised Chambers of Commerce, Landholders' Associations, Trade Union Councils, Industrial Associations or such other bodies, or all individuals paying such tax or enjoying not less than such monthly income or allowance as may be recognised by rules.

(9) (A) The Parliament.—The Parliament shall have power to make laws for the peace, order and good Government of the Commonwealth in respect of all subjects not assigned exclusively to Legislative Councils, provided that until such time as Parliament shall, in pursuance of the recommendation of the Defence Commission hereinafter specified by its own act, signify its readiness to assume control over Naval, Military and Air Forces of the Commonwealth, it shall have no power to make any law with regard thereto without the previous approval of the Governor-General.

(B) The Defence Commission.—At the establishment of the Commonwealth and after a period of every five years thereafter the Governor-General in Council shall submit names of persons, the majority of whom shall be Indians, for the approval of His Majesty to act as a Commission. The persons whose names are so submitted, if approved by His Majesty, shall be commissioned for the following purposes : (i) to fix the minimum of expenditure on Military, Naval and Air Forces of the Commonwealth to form charge on consolidated revenue fund of the Commonwealth ; (ii) to report on the steps to be taken on the Indianisation and training of the Defence forces of the Commonwealth so as to enable the people of India to undertake their own defence as soon as practicable.

(C) Joint Session.—In cases of disagreement between the two House of Parliament, except on financial questions, a joint session shall decide the case under dispute after the second passing of the Bill, provided that not less than a year shall have elapsed between its first and second passing in the Assembly.

(D) Money Bills and laws appropriating revenue shall not originate in the Senate nor be amended by it except with the consent of the Assembly.

(10) (a) The Parliament shall have power of establishing or admitting new provinces and of making laws for their Government. (b) In all cases of altering limits of existing provinces the opinion of Legislative Council or Councils concerned shall be ascertained and considered.

(11) The Executive.—The Governor General shall be appointed by the King as his representative. The Governor-General-in-Council shall mean the Governor-General acting with the advice of the Cabinet.

(12) The Cabinet.—(a) There shall be a Cabinet to aid and advise the Governor-General in the Government of the Commonwealth. (b) The Prime Minister shall be appointed by the Governor-General. (c) The Cabinet shall consist of the Prime Minister and not less than seven Ministers of the State for the Commonwealth appointed by the Governor-General on nomination of the Prime Minister. (d) No Minister of State shall hold office for a period longer than three months unless he or she becomes a member of one of the Houses of Parliament. (e) The Cabinet shall be collectively responsible for all matters

concerning the departments of the Commonwealth. (2) The Cabinet shall resign when it ceases to retain the support of majority in the Legislative Assembly.

(13) The Commander-in-Chief of the Military, Naval and Air forces of the Commonwealth shall be vested in the Governor-General as the King's representative, subject to the proviso in article (9) (B).

(14) The High Commissioner for India shall be appointed by the Governor-General-in-Council for the performance of Agency duties in England.

(15) The India Council shall be abolished and the Secretary of State for India shall be placed on the same footing as the Secretary of State for the Colonies in relation to the Self-Governing Dominions.

(16) The Judicature—(A) There shall be a Supreme Court of not less than three Justices with such jurisdiction as Parliament shall determine. (B) The Justices shall be appointed by the King and removable by him on an address from the Parliament showing the ground of misbehaviour or incapacity.

(17) All Sessions trials shall be by jury.

(18) Finance and Trade.—The revenues of the Commonwealth shall be received by the Executive Government with the consent and on behalf of Parliament to form a consolidated revenue fund.

(19) India shall be responsible for all liabilities of the present Govt. of India.

(20) Trade within the Commonwealth shall be free.

(21) India shall have a gold standard with a gold currency and a gold mohur of the weight and fineness of English sovereign and standard of currency.

(22) India shall have the power of borrowing in any one of the world's markets.

(23) The Provinces.—The Legislative power of the province shall be vested in the Governor as the King's representative and a Legislative Council.

(24) The power of deciding upon the establishment of a Second Chamber in a Province shall be left to the Province concerned.

(25) (a) The powers of the Legislative Council shall be scheduled; (b) The size of and the franchise for the Legislative Council shall be determined by means of rules. (c) The duration of the Legislative Council shall be for four years.

(26) The Executive.—The position and functions of the Governor shall be analogous to those of the Governor-General.

(27) The Constitution and powers of the Provincial Cabinet shall be analogous to those of the All-India Cabinet; but there shall not be less than three Ministers including the Chief Minister in a Province.

(28) The Judicature.—The existing High Courts shall be the Chief Judicial Tribunals in the Provinces.

(29) Local Self-Government.—The Government of India shall direct Provincial Governments, within the first year of their coming into power, to reform the local Governments which should consist of District, Taluka and Village Panchayats suited to the conditions of their provinces based on the following principles:—(1) The unit to be the village with universal adult suffrage and annually elected panchayats vested with powers to administer village affairs and civil and criminal jurisdiction exercised by an appointed bench sitting in the village. (2) The suffrage for Taluka and District Panchayats to be guided on lines given in a scheme and the general division of functions therein stated to be followed with such modifications as local conditions may require.

[NOTE:—On the above suggestion division of opinion was marked and no decision was taken.]

(30) The Services.—Recruitment to Services shall be in the hands of a Public Services Commission. The powers and functions of the Commission shall be defined by Parliament.

(31) Alteration of the Constitution.—The power to alter the constitution shall vest in Parliament subject to the consent of a majority of Legislative Councils and also of a majority of members of the Legislative Councils voting on the subject after the next general election provided that for a change affecting only a single province the consent of the Legislative Council concerned and of Parliament shall be sufficient.

[NOTE:—The above was only partly discussed and Referendum rejected above is proposed instead.]

Report of the Sub-Committee on Hindu-Moslem Unity

The Sub-Committee of the Committee of the All-Parties Conference appointed on the 23rd January to frame a scheme of Hindu-Muslim unity met at Delhi on the 1st March and adjourned *sine die* without coming to any conclusion. M. Gandhi presided and those present numbered about fourteen including Mahomed Ali, Shaikat Ali, Motilal Nehru, M. A. Jinnah, Sir Abdul Qayum, Dr. Syed Mahmud, N. C. Kelkar and Swami Shradhanand.

Prominent among the absentees was Lala Lajpat Rai. His criticisms of M. Gandhi's views on the Hindu-Muslim question as published in the "Leader" of Allahabad attracted considerable attention. In this article Lala Lajpat Rai said there was no immediate hurry for a fresh pact and declined to accept the view that a Hindu majority in some provinces and a Muslim Majority in others was the only remedy.

It will be remembered that the Committee was asked to frame a scheme for representation of all communities, races and sub-divisions of Legislative and other elected bodies under Swaraj and recommended the best method of securing a just and proper representation of the communities in the services with due regard to efficiency. This Sub-Committee held a few sittings after its appointment and dispersed to meet again on this day and draw up a report. But it could not arrive at any agreement on the main question of the revision of the Lucknow Pact and the method of representation on Legislative and other bodies.

M. Gandhi in the course of his remarks stated that it was impossible in the prevailing conditions of suspicion to frame any scheme that would be called a united scheme. After a short discussion the Committee adjourned *sine die*.

Subsequently, M. Gandhi and Pandit Motilal Nehru issued the following statement explaining the reasons which led to the adjournment of the Sub-committee of the All Parties Conference over Hindu Muslim question :—

The Gandhi-Nehru Statement

"It was decided at the meeting of the sub-committee appointed by the committee of the All Parties Conference to adjourn the proceedings *sine die* with the proviso that the meeting shall be called on a requisition from the majority of the members of the sub-committee. We were also required and authorised by the meeting to give a resume of the position as it stands to-day. The meeting was attended by very few members, 14 out of 53. They were Maulana Mohamed Ali, Maulana Shaikat Ali, Swami Shradhanand, Pandit Jawaharlal, Dr. S. K. Datta, Mr. Ahmed Ali, Raja Ahmad Ali Khan of Salempur, Nawab Sir Sahibzada Abdul Quyum, Mr. Mohamed Yakub, Mr. N. M. Joshi, Mr. N. C. Kelkar besides ourselves. Mr. Jinnah came in for a few minutes from another meeting (Independent Party's meeting) he was attending at that time.

"Lala Lajpat Rai had asked for a postponement by reason of the inability of Messrs Jayakar, Srinivasa Iyengar and Jai Ram Das to attend. We were unable to postpone the meeting on our own responsibility. We therefore informed Lala Lajpat Rai that the question of postponement be placed before the meeting. This was consequently done but apart from the absence of Lala Lajpat and of the gentlemen named by him the attendance was otherwise also too meagre for coming to any decision. In our opinion there was moreover no material for coming to any definite conclusions nor is there likelihood of any being reached in the near future. We, therefore, see no hope of being able to convene a general meeting of the Conference within the described period except upon a requisition referred to by us.

"The failure to reach a decision is likely to disappoint the public. We would, however, advise publicists and others not to despond. That the Sub-Committee has not been able to reach at any decision is no reason for individuals or groups to relax their efforts towards the solution. There still remains to mention the Swaraj Scheme framed on the Sub-Committee under Dr. Banerji. The dissenting notes are being received by us from the members of that Committee. In view however of the large attendance and the failure to reach a decision on the Hindu Muslim problem the scheme could not be considered by the meeting."

The Commonwealth of India Bill.

The "National Convention" of which Sir Tej Bahadur Sapru is the President and Dr. Mrs. Besant is the General Secretary prepared a "Commonwealth of India Bill" in December 1924. The following is the text of the Draft Bill which was presented to the All-Parties Conference meeting at Delhi on the 23rd January 1925. The Committee appointed by the Conference elected a Sub-Committee which divided itself into two groups, one to deal with the Hindu-Moslem Union, and the other to outline a scheme of Swaraj which should establish India as a Self-Governing Dominion.

The Swaraj group of the Sub-Committee, as the latter was called, under the chairmanship of Mrs. Besant, submitted its report at Delhi on the 23rd February. (p. 73.) But the group entrusted with the task of drawing up a Pact for all communities, particularly the Hindu and the Moslem, failed to arrive at an agreement. (p. 77). The consideration of the Swaraj scheme was therefore dropped, for it was felt that without a basis of communal unity it would be infructuous to adopt a scheme of Swaraj as a basis for agitation.

The efforts of the Swaraj Sub-Committee having failed, Mrs. Besant felt herself free to take action on the scheme initiated by her. She incorporated in her Bill certain features suggested in the report of the Swaraj group of the Sub-Committee of the All-Parties Conference, and the Bill reached its final form during the three days' sitting of the 'Convention' at Cawnpur on the 11th 12th and 13th April.

After making an extensive tour and propaganda work throughout India, Mrs. Besant proceeded to England on the 3rd July to press on the British Parliament her scheme of Swaraj contained in her Bill which had already earned the support of a considerable number of Members of Parliament.

Text of the Draft Bill.

The preamble to the bill states that "the Commonwealth" shall mean the Commonwealth of India (excluding the Indian States); "Provinces" shall mean such of the parts of the Commonwealth as are granted provincial autonomy under a Governor, a Provincial Cabinet, a Legislative Council and High Court; "The Parliament" shall mean the Parliament of the Commonwealth of India; "the Governor-General in Council" shall mean the Governor-General acting with the advice of the Cabinet; "The Governor in Council" shall mean the Governor acting with the advice of the Provincial Cabinet.

The "fundamental rights" of the subject are thus defined:—

(a) The liberty of the person is inviolable, and no person shall be deprived of his liberty save in accordance with law and by ordinary Courts of Law, provided, however, that nothing in this Section contained shall be invoked to prohibit, control, or interfere with any act of the civil or military forces of the Commonwealth of India during the existence of a state of war or rebellion. (b) The dwelling on the property of every person is inviolable, and shall not be entered or expropriated or confiscated except in accordance with law. (c) Freedom of conscience and the free profession and practice of religion are, subject to public order or morality, guaranteed to every person. (d) The right of free expression of opinion as well as the right to assemble peaceably and without arms, and to form associations or unions is guaranteed for purposes not opposed to public order or morality. Laws regulating the manner in which the right of forming associations and the right of free assembly may be exercised, shall contain no political, religious, or class distinction. (e) All persons in the Commonwealth of India

have the right to free elementary education, and such right shall be enforceable as soon as due arrangements shall have been made by the competent authority. (f) All persons have an equal right to the use of roads, places of resort dedicated to the public, Courts of Justice and the like, provided they do not disturb public order or disobey any notice issued by a lawful authority. (g) All persons of whatever Nationality, residing within the Commonwealth are equal before the Law and shall be tried for similar offence in Courts of the same order and by Judicial Officer of the same grade and no person shall escape the penalty annexed to any breach of the Law, on account of the nationality, or his caste, or his class, or his occupation. (h) There shall be no sex-disqualification with regard to the franchise, memberships of the Governments, of the Legislatures and of Local Bodies, and all offices, functions and powers shall be open equally to both sexes.

The Constitution of the Commonwealth shall be as follows :—

The Constitution.

The Legislative power of the Commonwealth shall be vested in a Parliament which shall consist of the King, a Senate and a Legislative Assembly, and which is hereinafter called "the Parliament," or "the Parliament of the Commonwealth." A Governor-General appointed by the King shall be His Majesty's representative in the Commonwealth, and shall have and may exercise in the Commonwealth during the King's pleasure, but subject to this Constitution, such powers and functions of the King as His Majesty may be pleased to assign to him.

The Senate shall be composed of citizens who have done honour to the Nation by reason of useful public service. The number of members of the Senate shall be one hundred who shall be assigned to the several Provinces according to rules.

The Legislative Assembly shall be composed of three hundred members elected according to rules hereunder.

A citizen to be eligible for membership of the Legislative Assembly shall have completed twenty-five years of age and possess any of the following qualifications :—

(a) Education up to the graduate stage or diploma granted for training after High School or equivalent general or technical education. (b) Service as a member of a Legislative Council at least for one complete term. (c) Membership of recognized Chambers of Commerce, Landholders' Associations, Trade Union Councils, Industrial Associations or such other bodies as may be recognized by rules.

Every Legislative Assembly shall continue for five years from the first meeting of the Assembly, and no longer, but may be sooner dissolved by the Governor-General.

The Legislative Assembly may proceed to the despatch of business, notwithstanding the failure of any constituency to provide for its representation in the Legislative Assembly.

Qualifications of Members.

Subject to the condition that they shall have completed twenty-five years of age, the following among the citizens shall constitute the electorate for the Legislative Assembly in each Province :—

(a) All members of Legislative Councils and ex-members thereof. (b) All with education up to the graduate level or equivalent general or technical education. (c) All who have an income or allowance of Rs. 50 per month and above. (d) All owners or occupiers of land with Rs. 50 per annum or more as land tax. (e) Those owning or occupying a house or a part of it with an annual rental value of Rs. 75.

Legislative Powers

(a) Proposed laws appropriating revenue or moneys, or imposing taxation, shall not originate in the Senate. But a proposed law shall not be taken to appropriate revenue or moneys or to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fees for licenses or fees for services under the proposed law.

(b) The Senate may not amend any proposed laws imposing taxation or laws appropriating revenue or moneys for the annual services of the Government.

(c) The Senate may not amend any proposed law so as to increase any proposed charge or burden on the people.

(d) The Senate may at any stage return to the Legislative Assembly, any proposed law which the Senate may not amend, requesting, by message, the omission or amendment of any items or provisions therein. And the Legislative may, if it thinks fit, make any of such omissions or amendments, with or without modifications.

(e) Except as provided in this Section, the Senate shall have equal power with the Legislative Assembly in respect of all proposed laws.

If the Legislative Assembly passes any Bill and the Senate rejects or fails to pass it or passes it with amendments to which the Legislative Assembly will not agree and if

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the Legislative Assembly in the next session again passes the Bill with or without any amendments which have been made or agreed to by the Senate and the Senate rejects or fails to pass it or passes it with amendments to which the Legislative will not agree the Governor-General shall during that session convene a joint sitting of the members of the Senate and of the Legislative Assembly. The members present at any such joint sitting may deliberate and shall vote together upon the Bill as last proposed by the Legislative Assembly and upon amendments, if any, which have been made therein by one House of Parliament and not agreed to by the other; and any such amendments which are affirmed by a majority of the total number of members of the Senate and the Legislative Assembly present at such sittings shall be taken to have been carried, and if the Bill with amendments, if any, is affirmed by a majority of the members of the Senate and the Legislative Assembly present at such sitting, it shall be taken to have been duly passed by both Houses of Parliament; provided that, if the Senate shall reject or fail to pass any Bill dealing with the appropriation of revenue or moneys for the public service, such joint sitting may be convened during the same session in which the Senate so rejects or fails to pass any such Bill.

Executive Government

The Executive power of the Commonwealth is vested in the King and is exercisable by the Governor-General as the King's representative and extends to the execution and maintenance of this Commonwealth.

The Cabinet

(a) There shall be a Council to aid and advise the Governor-General in the Government of the Commonwealth to be styled the Cabinet. (b) The Prime Minister shall be appointed by the Governor-General. (c) The Cabinet shall be responsible to the Parliament and shall consist of not less than seven Ministers of State for the Commonwealth appointed by the Governor-General on the nomination of the Prime Minister. (d) The Cabinet shall be collectively responsible for all matters concerning the departments of the Commonwealth administered by Ministers of State.

The legislative power of each of the Province shall be vested in the King and the Legislative Council.

The Legislative Council shall be composed of members chosen in accordance with rules made under the Constitution and the number of members shall also be according to such rules.

Qualifications of Members.

A citizen to be eligible for membership of the Legislative Council shall have completed twenty-five years of age and possess any one of the following qualifications.

(a) Education up to the High School level, or equivalent general or technical training. (b) Service as a member on a District Board or Municipal Council for at least one complete term. (c) Membership of recognised Chambers of Commerce, Landholders' Associations, Industrial Associations or Trade Union Councils or such other bodies as may be recognised by rules.

Qualifications of Electors

Subject to the condition that they shall have completed twenty one years of age the following among the citizens shall constitute the electorate for the Legislative Council in each Province.

(a) All members of District Boards or Municipal Councils or Legislatures or ex-members thereof. (b) All with High School or equivalent general or technical education; (c) All who have a monthly income or allowance of Rs. 25 and above; (d) All owners or occupiers of land with Rs. 30 or more as land tax; (e) Those owning or occupying a house or a part of it of the annual rental value of Rs. 60 or more; (f) Members of Trade Union Councils, Merchants or Traders' Associations or such other bodies as may be recognised by rules.

Executive Power.

The Executive power of the Province is vested in the King and is exercisable by the Governor as the King's representative and extend to the execution and maintenance of this Constitution and of the laws of the Province.

(a) There shall be a Council to aid and advise the Governor in the Government of the Province to be styled the Provincial Cabinet. (b) The Chief Minister shall be appointed by the Governor. (c) The Provincial Cabinet shall be responsible to the Legislative Council and shall consist of not less than three Ministers appointed by the Governor on the nomination of the Chief Minister. (d) The Provincial Cabinet shall be collectively responsible for all matters concerning the departments of the Province administered by Ministers.

The following units shall exercise the rights of Local Self-Government.

(a) The village (rural) may include neighbouring hamlets and groups of or single houses (Urban), or the wards of the municipality. (b) The Taluq (Rural) consists of groupings of villages for administration and joint work. (c) The District (Rural) consists of similar groupings of Taluqs, or The Municipality (Urban) or The Capital City of the Province.

Defence.

(a) At the establishment of the Commonwealth and after a period of every five years thereafter the Governor-General in Council shall submit the names of not more than seven and not less than five persons the majority of whom shall be Indians for the approval of His Majesty to act as a Commission for the purposes of the section.

(b) The persons whose names are so submitted if approved by His Majesty shall be a Commission for the purpose of fixing a minimum expenditure on the military, naval and air forces of the Commonwealth to form a charge on the consolidated Revenue Fund of the Commonwealth and the Commission shall report on the development of the military, naval and air forces in the Commonwealth and make recommendations.

The following are some of the Main features of the Commonwealth of India Bill :—

General Principles.

1. India will be placed on an equal footing with the Self-Governing Dominions sharing their responsibilities and their privileges.

2. The right of Self-Government will be exercised from the Village (Gram or Maana) upwards in each successive autonomous area of wider extent, namely: The Taluka (or Tehsil or Sub-District), the District (or Zilla) the Province (or Rashtra) and India (or Hindustan) excluding the Indian States.

3. The three great spheres of activity, Legislative, Executive and Judicial, will as far as possible, be independent of each other, while correlated in their working.

Declaration of Rights.

4. The following Fundamental Rights will be guaranteed to every person :

- (a) Inviolability of the liberty of the person and of his dwelling and property.
- (b) Freedom of conscience and the free practice of religion, subject to public order or morality.
- (c) Free expression of opinion and the right of assembly peaceably and without arms, and of forming Associations or Unions, subject to public order or morality.
- (d) Free Elementary Education as soon as practicable.
- (e) The use of roads, places dedicated to the public, Courts of Justice and the like.
- (f) Equality before the Law, irrespective of considerations of Nationality, and
- (g) Equality of sexes.

Legislative.

5. There will be two Chambers in the Commonwealth Parliament, namely the Legislative Assembly and the Senate. The Legislative Assembly will consist of 800 Members and the Senate of 150.

6. The Senate will have equal powers with the Legislative Assembly except in regard to money Bills, which will originate only in the latter. The life of the Legislative Assembly will be for 5 years and that of the Senate for 6 years, but the Assembly can be dissolved sooner by the Viceroy while, the Senate will have a continuous existence, with half the number of Members retiring every three years by a process of rotation.

7. In the Provinces, the number of Members will vary from 100 to 200 according to the size and importance of the Province. The life of a Legislative Council will ordinarily be for 4 years, unless it is dissolved sooner by the Governor. There will be at present only one Chamber in the Provincial Legislatures, but provision has been made in the Bill for the addition of a Second Chamber in a Province, if it so decides. In the District Samity, Taluka Sabha and the Village Panchayat, which are termed the Sub-Provincial Units of Government, the number of members will vary according to local conditions. The ordinary life-term of the District Samiti will be for three years, that of the Taluka Sabha for two years, and that of the Village Panchayat for a year.

Franchise.

8. The franchise for the various Legislative bodies have been graded, commencing with universal adult suffrage in the Village, and restricted by higher educative, administrative, property or other monetary qualifications in the case of each higher body. The principle of direct election has been maintained throughout, except in the case of the

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Senate, where candidates will be nominated to a panel from which the electorate will make its choice. A distinction has also been observed between Members and Electors, the qualifications for the former being kept at a somewhat higher level than for the latter.

9. The powers of the various Legislative bodies have been embodied in a Schedule to the Constitution; and residuary powers have been vested in the Commonwealth Parliament.

Defence and Foreign Affairs.

10. Reservation has been made as regards Defence and Foreign Affairs. There will be a Defence Commission with a majority of Indians thereon, every five years, appointed by the Viceroy in consultation with the Cabinet. The Commission will recommend a minimum of non-votable expenditure for the Defence Forces and also report on the progress of the Indianisation of those Forces. In the event of disagreement, the Viceroy will have power to secure the minimum which, in his opinion, is necessary for the Defence Forces. But no revenue of India may be spent on any branch of the Forces in which Indians are ineligible for holding Commissioned rank. As soon as the Commission recommends favourably, the Commonwealth Parliament may pass an Act to undertake the full responsibility of Defence.

Executive.

11. There will be a Cabinet in the Government of India consisting of the Prime Minister and not less than 7 Ministers of state, who will be collectively responsible for the administration of the Commonwealth. The Prime Minister will be appointed by the Viceroy and the other Ministers on the advice of the Prime Minister. The Viceroy will be temporarily in charge of the Defence Forces of the Commonwealth. In all matters except as regards Defence, the Viceroy will act only upon the advice of the Cabinet. The salaries of the Viceroy and of the Members of the Cabinet will be fixed by the Parliament of the Commonwealth; but in the case of the former, no alteration will come into force during his continuance in office. The Cabinet will resign as soon as it has lost the support of a majority in the Legislative Assembly, unless the latter be dissolved.

12. In the Provinces, the same principles will apply as in the Government of the Commonwealth, except that the minimum number of Ministers will be three.

13. The powers and functions of the Secretary of State and the Secretary of State in Council over the revenues and the administration of India will be transferred to the Commonwealth Executive.

Judicial.

14. There will be Supreme Court of India, consisting of a Chief Justice and not less than two other Judges, with original as well as appellate jurisdiction to deal with such matters as may be determined by statute. It will have power to deal with all matters arising out of the interpretation of the Constitution or of laws made by the Commonwealth Parliament. It will also be the final appellate authority in India, unless it certifies that the question is one which should be determined by the Privy Council.

15. The existing High Courts will have the same powers and authority as before the establishment of the Commonwealth.

Finance.

16. The revenues of the Commonwealth will form a consolidated revenue fund and will be vested in the Viceroy. No revenue may be raised by the Executive without the sanction of Parliament.

17. No money may be drawn from the treasury of the Commonwealth except with the consent of Parliament.

18. The allocation of revenues between the Commonwealth and Provinces will be decided by a Finance Commission every five years. There will be absolute freedom of trade, commerce and intercourse between the Provinces.

New Provinces.

19. Parliament will have the power to alter the limits of the existing Provinces or establish new Provinces and make laws for their administration. But in every case, the consent of the Provinces, or the area concerned, will be necessary before any alteration is made.

Minorities.

20. Communal Representation as now existing will be abolished and all elections will be held on the basis of purely territorial electorates. As a temporary measure the number of seats now reserved for Muslims and Europeans will be guaranteed for five years, at the end of which period the question of its continuance, modification or abolition will be examined by a Franchise Commission.

Bills affecting the religion or the religious rites or usages of a community or communities will be referred to a Special Committee of the Legislature in which they are introduced; and if the Committee, on which there will be a majority of the members of the community or communities concerned, report adversely, such Bills will lapse for the period of one year.

Public Services.

21. There will be a Public Services Commission to exercise full control over the Public Services of India as regards recruitment, discipline, promotion and pensions. Officers now in the service of the Government of India or of the Provincial Governments will be guaranteed their existing rights, but at the establishment of the Commonwealth, they will pass into the service of the Commonwealth or the Provinces, as the case may be.

22. Parliament will have the power to alter the Constitution in the manner prescribed in the Bill.

The All-India Leaders' Manifesto

A brief memorandum on the necessity of passing the Commonwealth of India Bill, signed by over forty Indian political leaders of various parties, was issued on the 29th June 1925:—

"Founding ourselves on (1) the resolution proposed by Mr. (now Sir) Surendranath Banerjee and carried unanimously in the National Congress of 1914, that India should be placed on an equality with the Self-Governing Dominions and on (2) the resolution of the Congress in 1918, claiming the right to self-determination, said by Mr. Lloyd George to be applicable to tropical countries. We demand, from the Parliament of Britain, the passing of a statute embodying the resolutions. Discontent is justly felt in India against Britain, because of the refusal of Britain to apply in India the principles for which India and Britain fought shoulder to shoulder in the war. There is serious danger that the connection between India and Britain, so useful in its possibilities to both the countries and to the world, will be broken if India and Britain do not agree to replace the bond of force and submission by one of honourable equality and friendship.

"A Sinister Proposal."

"Though nearly seven years have passed since the ending of the war, no step has been taken by Britain to fulfil the above resolutions, but on the contrary, steps are being taken to perpetuate the administration of the affairs of India by a foreign bureaucracy, and assurances are being authoritatively given to the British undergraduates to induce them to enter the Services. Proposals for further burdens are being made, while the powers vested in the Governor-General and the Governors in India for the preservation of India's external defence and her internal tranquillity are being used to strengthen the "Steel Frame" in defiance of the votes of her representatives and to make tranquillity impossible by withholding freedom, which is her right. The Prime Minister has made a sinister proposal that the term "Empire" shall be changed into the "Commonwealth of British Nations," thus relegating India definitely to the detested position of a dependency.

"For India freedom is a matter of life and death. The appalling poverty of the masses, the neglect of their education shown by the disgracefully low figures of the percentage of school attendance, the short life period, the little tenacity of life—noticed with surprise by Lord Curzon—these and many other things, such as the death-rate being lately twice as much as the birth-rate, show that as a nation she is on the down grade under British rule.

"We repeat the charge of Mr. Gopal Krishna Gokhale, that while efficient in the organisation of her machinery and in matters which serve her own interest, British rule is inefficient in vital matters which touch the National interests. Under the present regime, with the Government of India subordinate to the Secretary of State, India can neither revive her old prosperity at home, nor defend her nationals abroad. An enormous proportion of her revenue is spent on the Army, because the Army is kept for Imperial, not for home defence. In this she was better-off in the days of the Company than now. She is daily shamed in the face of the world by the increasing humiliation heaped on her nationals in the other parts of the Empire. The Government of India is helpless to defend them.

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The only cure for Indian "Restlessness"

"The British Government cares only for its own kin. There is only one cure for the admitted 'restlessness' of India and that is her freedom. Her inability finds vent in domestic quarrels, because she is denied self-expression as a nation. If this continues and Britain is obdurate in her refusal to agree to her demand for Dominion Status, on which all political parties are agreed, the Government of the country will become increasingly difficult and ere long impossible. We do not say this as a threat, for we seek an honourable agreement, such as Britain refused to her American Colonies and created a Republic, but such as she made with her other colonies and created peace and amity. We also desire peace and amity and therefore before it is too late, we state the danger as an approaching fact.

"The Indian leaders were accused of making threats with regard to the Rowlett Bill, when they uttered only a warning and were disregarded by the Government. The Bill became an Act and remained a dead letter, but it caused resentment, driven underground by the massacre of Amritsar and the Martial Law atrocities in the Punjab, to grow, though silently. We also give a warning, for a nation could not for ever submit to foreign domination.

"Let the British cease to claim superiority and become equal friends and the union between the two countries will be secure. No intermediate steps are required—so far as we are concerned they would be rejected—before the establishment of Dominion Status in India by the passing of a measure made by the Indian, as has been done in the case of the Dominions and Ireland (the Act giving freedom to Canada was admittedly drafted on the eve of the Canadian revolution, while in the other cases Bills were drafted by the Colonies). It was not demanded that any colony should be ready to take full responsibility of self-defence before Dominion Status was granted. Even now they depend on the British navy for the defence of their coasts. India has already a magnificent army of infantry and cavalry and her helplessness in artillery and air force is due to Britain, not to herself, and she demands time before she can be wholly self-dependent in defence. England's default in this respect is no reason for the further injustice of denying her freedom. We therefore demand from the British Parliament the passage of the Commonwealth of India Bill prepared by the members and ex-members of Indian Legislature of all political parties and by the elected Council of the National Home Rule League and two co-opted officers of the Women's Indian Association. The country is organising itself in its support and the work will be carried to success, for when a great nation demands its freedom it cannot long be denied."

The Signatories

The signatories are:—

Madras.—The Right Hon'ble V. S. Srinivasa Sastri (Liberal), Mr. T. Rangachariar (Independent), Mr. C. Gopala Menon, Secretary, Southern India Chamber of Commerce (Swarajist), Mr. Ranganatha Mudaliar (Home Ruler), Dr. C. Natesa Mudaliar (Justice Party), Mr. Govindaraghava Iyer (Liberal), Dr. Annie Besant (Home Ruler), Mrs. Dorothy Jinnabaddam (Women's Indian Association), Mr. Rangaswami Iyer (Home Ruler), Mr. D. K. Telang (Home Ruler), the Hon. Mr. S. M. Padshah (Member, Council of State), Mr. C. R. Reddy, Mr. Swami Venkataswalam Chetty, Dewan Bahadur M. Ramachandra Rao (Independent) and Messrs. M. C. Raja, M.L.C., and Guruswami, representing the submerged classes (signed subject to the safeguarding of the interests of the depressed classes), Mr. B. Shiva Rao (Home Ruler) and Mr. C. V. S. Narasimha Raju.

Bengal.—Mr. I. B. Sen (Liberal), Mr. Hirendranath Datta (Home Ruler), Mr. Bipin Chandra Pal (Independent), Mr. Satyananda Bose (Liberal), Mr. J. Chaudhuri (Liberal).

Bombay.—Mr. M. B. Jayakar (Swarajist), Mrs. Sarojini Naidu, President, Bombay Provincial Congress Committee, Mr. Jinnabaddam (Home Ruler), Mohana Shankar Ait, Mr. Ratansi D. Moraji (Home Ruler), Mr. Kanji Dwarkadas (Home Ruler).

United Provinces.—Mr. Iswar Saran (Independent), Mr. P. K. Telang (Home Ruler).

The Central Provinces.—Mr. G. S. Khaparde, Council of State, Mr. M. S. Aney (Swarajist), Rao Bahadur N. K. Kelkar (Liberal), Mr. B. G. Khaparde (Swarajist), Mr. Rama Rao, M. Deshmukh (Swarajist).

The All-India Swaraj Party

The Calcutta Pact.

The adoption of the Calcutta Pact in the Belgaum Congress gave rise to a good deal of criticism in certain quarters. There was one feature in the Pact, such as the permission granted to the Swarajya Party to carry on Council-work in the name of the whole Congress which was taken objection to by the opponents of the Pact. The cry was on all sides that Gandhi has surrendered. Gandhi himself admitted it, but taking all the circumstances into consideration, before and after, there was no other way out. As said the *A. B. Patrika* of Calcutta in its issue of the 1st January 1925 :—

"Shortly after coming out of prison, Mahatmaji reiterated his faith in his own programme and even declared his intention to try conclusions with the Swarajists in the Congress at Belgaum. The Swarajists were also equally ready. And a great fight at Belgaum was expected. In the meanwhile, the country was distracted and distressed by Hindu-Moslem riots and a general outburst of unfriendly feeling between the two communities. Before that the fight between the two political factions, the No-Changeers and the Swarajists which had begun on the question of Council entry had come to a head and had practically destroyed all useful political activities in the country. The Swarajya Party however went on gaining in strength. When therefore Mahatmaji came to have a final review of the situation, he found the whole atmosphere vitiated by discord, dissension and distrust. After giving the matter his earnest consideration he came to the conclusion that what the country needed most was restoration of spirit, good feeling and co-operation between all classes and communities. He thought that by leading the No-Changeers in a fight with the Swarajists at Belgaum and, if defeated, by going out of the Congress, he would make matters infinitely worse and present India to the rest of the world as a house hopelessly divided against itself. Had the Swarajists been an insignificant minority, he could suppress them by force of numbers. But he had to recognise the hard fact which he did openly in his presidential address, that "the Swaraj Party represents, if not a majority, at least a strong and growing minority in the Congress." He knew also that so long as the situation in regard to Hindu-Moslem relation lasted the programme of no party could succeed so far as the object of attainment of Swaraj was concerned.

"Mahatmaji could not hope, and it would have been unreasonable for him to expect, that the Swaraj Party would stop its activities till the question of Hindu-Moslem unity was solved. In fact, the solution of this question was no less a concern of the Swaraj Party than that of the Congress.

"It was under these circumstances that Mahatmaji decided to have an understanding with the Swaraj Party. The result was the Calcutta Pact. Mahatma Gandhi has himself said that it was not a perfect document but that it was the only solution possible to him under the circumstances. Lala Lajpat Rai describes the Pact as a "bundle of inconsistencies." So it may be. But no alternative proposal that is practicable, has been suggested by any body so far as we are aware.

"Much has been said and written about the Pact, for and against it. But we fear the main purpose of the Pact has been lost sight of by many of its critics. That purpose was to avoid making the Congress the arena of a bitter strife that would spread far and wide through the country to the delight of our enemies. That purpose has been served by the Pact. If the Pact has done only this and nothing else, it stands justified."

The Nagpur Swaraj Party Meeting.

Elated at their success in the Congress the Swarajists turned their activities to the Central Provinces and Bengal where the Councils offered the most

favourable field to give effect to the policy of 'consistent and continuous obstruction', in view of their absolute majority there. It might be remembered that Dyarchy had been in a state of suspense in the Central Provinces since March 1924 when the whole budget was thrown out. On the 10th January 1925 H. E. Sir Frank Sly, the Governor, in a Durbar at Nagpur gave an ultimatum, a "last opportunity" as he said, to work Dyarchy. The Legislative Council will be summoned in March next when the Budget will be presented, and in the Budget provision will be made for the Ministers' Salaries. No Ministers will be appointed before that and so the Council will be precluded from rejecting the salaries, on the ground that they had no confidence in the Ministers.

This announcement gave rise to much speculation among the Swarajist members as regards the policy to be followed in the Council. Some of them were seriously inclined to reconsider the whole position of the Party. One or two of them publicly said that they were thinking if they should pass the Budget and accept office. Pandit Motilal had to pull up the doubters and remind them of the "Czarist discipline" of the Party to which they belonged. A meeting of the Executive Committee of the All-India Swarajya Party met at Nagpur on the 11th and 12th January, and in full concurrence with the Swarajist members of the Central Provinces Legislative Council adopted unanimously the following resolutions:—

"(1) That the action of the Swaraj Party in the C. P. Council, in throwing out the budget in the session of 1924, was both constitutional and justified by the circumstances then existing in the country, arising from the stubbornly hostile attitude of the Government of India and the British Cabinet, in refusing to make adequate response to the popular demand for Self-Government and

"That in so far as that attitude continues unchanged it would be the obvious duty of the Swaraj Party in the local Council, even this year, to oppose Government by all legitimate means in its power.

"(2) That, on a careful consideration of the speech made by His Excellency the Governor of the C. P. to the Durbaries of the Nagpur Division on the 10th January, 1925, this Committee records its emphatic opinion (a) that His Excellency the Governor has indulged in a gross perversion of the attitude and activity of the Swaraj Party in the local Council. (b) That the unwillingness of the Swaraj Party to accept office in the Provincial Government arose, not from any desire to avoid constructive responsibility, which the holding of office involves, but from a reasoned belief that the system of Government in which the Party was called upon to take an ineffectual part was inadequate, disingenuous and doomed to failure as it has now been clearly established to be.

"(c) That in regard to the hope expressed in the following passage of His Excellency's speech, that is to say—

"We have exercised great patience before taking any retrograde step in the hope that members of the Legislative Council would abandon their policy of obstruction. We desire to give them a further opportunity of working the constitution in the manner in which it was primarily intended that it should be worked. A meeting of the Legislative Council will be summoned in March next when the Budget will be presented. That the Budget will be prepared on the assumption that the transferred departments will be carried on by Ministers and will include provision for new and beneficial schemes of developments in the transferred and nation-building departments. The Legislative Council will thus be given an opportunity of insuring that transferred departments are administered on popular and representative lines. I earnestly hope that the Legislative Council will embrace this last opportunity of working the constitution"—

"This Committee declares that, if it is a genuine desire of the Government to carry on the administration on popular and responsible lines by bringing about suitable changes in the constitution, the Swaraj Party will not be averse to shouldering responsibility, provided such responsibility is real and genuine.

"(3) That, with a view to make the position of the Swaraj Party perfectly definite and clear, this Committee appoints a sub-committee, consisting of the gentlemen named

below, to go into the whole question and report to this Committee by the 15th of February, after a careful investigation of the special circumstances of the C. P. and the general situation in the country, (a) the conditions upon which the lines of policy so far followed by Swarajists in the C. P. Council, may in the circumstances be altered consistently with the general principles of the Party, (b) the extent and particulars of such alterations, (c) the manner in which such alterations should be given effect to.

"The names of the members are—Messrs. M. S. Aney, M. V. Abhyankar (Secretary), C. R. Das, Pandit Motilal Nehru, E. Raghavendra Rao, S. B. Tambur, Ghanasham Singh Gupta, Doctor Moonjee, Dr. Khare, Mr. Abhyankar will act as Secretary of the Committee and five members shall form the quorum".

Subsequently on March 8th, an emergent meeting of the Executive Committee of the All-India Swaraj Party was held at Patna to consider the situation facing the C. P. Swaraj Councillors. Though the proceedings were not open to the Press and the members of the Executive were reticent as to the decisions they arrived at, it appeared that they did not advise the C. P. Swarajists to take office, and in the Bengal Council they resolved to adhere to the same policy of obstruction as regards the budget as they did last year.

[For the activities of the Swarajists in the Bengal and C. P. Councils the reader is referred to the section on Council proceedings, pages 125 and 254.]

Mr. C. R. Das's Manifesto.

The "Gopinath Saha resolution" passed at the Serajgunje Conference in 1924 filled the minds of the English people with deep suspicions as to the motives of Mr. C. R. Das who associated himself with the resolution, and the objective of the party of which he has the leader. Since then "an apprehension gained considerable ground in the minds of Europeans in India and Great Britain that the Swaraj Party has encouraged and is encouraging political assassinations and intimidations". This apprehension ran to such an extent that a public denial became imperative, and on the 29th March 1925 Mr. Das issued a manifesto disclaiming for himself and his party all connection or sympathy with political assassination or intimidation as a means of attaining Swaraj. The following is the text of the manifesto :—

"During my recent conversations with European friends I have been strongly impressed with a feeling that somehow or other an apprehension has gained considerable ground in the minds of Europeans in India and Great Britain, that the Swaraj Party has encouraged and is encouraging political assassination and intimidation. It is indeed surprising to me that there should be such a complete misconception of the aims and actions of the Swaraj Party. It is all the more surprising that this should be so in spite of the incessant preaching and teaching against any kind of violence of Mr. Gandhi for the last six years, in which myself and the other leaders of the Swaraj Party whole-heartedly joined. It is also unintelligible to me that in spite of my speeches and the speeches of the other leaders of the Swaraj Party and our definite and unequivocal condemnation of violence both in public and private that this apprehension should continue to work in the minds of Europeans either in India or in England. But it is no use shutting our eyes to the existence of this apprehension, however wrong this apprehension may be, and I desire completely to dispel it. I have made it clear and I do it once again that I am opposed on principle to political assassination and violence in any shape or form. It is absolutely abhorrent to me and to my party. I consider it an obstacle to our political progress. It is also opposed to our religious teachings. As a question of practical politics I feel certain that if violence is to take root in the political life of our country it will be the end of our dream of Swaraj for all time to come. I am, therefore, eager that this evil should not grow any further and that this method should cease altogether as a political weapon in my country.

"I have also made it clear and I again make it clear that I am equally opposed to and equally abhor any form of repression by the Government. Repression will never

stop political assassination. It will only encourage and give life to it. Repression, as has been proved in history, will always defeat its own object and fulfil the object which it is intended to destroy. We are determined to secure Swaraj and the political equality of India on terms of equality and honourable partnership in the Empire. The fight for it may be long, the struggle for it may be arduous, but we are determined to fight it clean to the last.

"To the young sons of Bengal I say, fight your battle for Swaraj but fight it clean. Let there be no stain upon the escutcheon of our cause. Fight hard and incessantly. Press onward and dispel all obstruction and win Swaraj.

"To the Europeans I say, do not misunderstand us. Lay aside your unjust suspicion. Do not support the Government in its repression and thus help unconsciously, though necessarily, to instal the method of violence as a permanent method in our political life."

The European View.

This manifesto was acclaimed by a section of the Anglo-Indian Press as a new "gesture." A startling statement was made by Mr. H. W. Carr, President of the European Association in Bengal, to a representative of the Pioneer on the 30th March. According to him, Mr. C. R. Das's repudiation of terrorism has cleared up many difficulties. Although it was a belated one, it was just the one thing wanted to put the Swarajist party right with the Government and the European community. What Mr. Carr said is as follows:—

"I have read Mr. C. R. Das's manifesto with considerable interest and I welcome its tone. No Europeans, whether they agree with his politics or not, can do other than applaud the advice, belated though it be, which he gives to his followers in his political campaign. Progress, even when all are agreed on its desirability, is bound to lead to differences of opinion and providing all parties fight cleanly strife is unlikely to cause harm in any direction. Mr. Das's gesture is, as I have said, welcome, but he will understand that what he considers the unjust suspicion of Europeans is not to be laid aside on his manifesto, if he will realise that the so-called "unjust suspicion" is really a lack of confidence in the treatment to be expected for minorities from the Swaraj Party, a distrust which has been built up during the past few years.

"The incessant preachings and teachings against violence by Mr. Gandhi and the leaders of the Swaraj Party, to which he refers as proof of their dislike of all violence has not produced a fruitage which would give Europeans or anyone else any confidence in the methods the Swarajists have adopted for advocating constitutional agitation. As for the alleged repression of the Government being responsible for assassination and violence, any fair-minded student of events in the past few years will know that Mr. Das is misplacing cause and effect. Periods of quiescence have generally followed any repressive measures the Government have been compelled to take, and these same measures have had a widespread moral effect of an unquestionably beneficial nature.

"It would have been encouraging had the present manifesto, with its clear condemnation of violence for which we have been waiting a long time, preceded instead of followed the placing of the Bengal Ordinance on the statute book, for in that case this special legislation might have been unnecessary. I do not wish to engender any "unjust suspicions," but our experience of some of the Swaraj leaders in the past and our recollection that only the other day Pandit Motilal Nehru in the Assembly wished to treat as a "scrap of paper," legislation passed eighteen months earlier by agreement between Europeans and Indians, compel Europeans to examine "gestures" with caution. If Mr. Das's manifesto means what it says, and his advice is followed by his political followers, and also I would add by his own Press, a year or two should do much to build up confidence in the Swaraj Party's intentions towards political minorities, and on this score I welcome it."

The following statement was also issued by the European Association on the 3rd April:—

"Although recognizing that a reservation may be considered to lie in Mr. C. R. Das's declaration that his abhorrence for political crimes of violence is only equal to his abhorrence for their inevitable antidote in the shape of repressive legislation, the Council of the European Association views his manifesto with satisfaction as an unequivocal condemnation of the use of violence.

"The Council cannot ignore the atmosphere of deep mistrust that undoubtedly exists in Indian political life, to the serious detriment of the successful solution of India's difficult

political problems. They do not desire to emphasise the reasons for it or apportion the blame, but welcome the manifesto as an authoritative announcement that the party of Mr. Das deprecates any but clean methods in the fight for their objective.

"That the speed of progress to the goal set forth in the Government of India Act will cause differences of opinion is certain, but with the goal itself accepted by the British Parliament and by the British and Indian peoples, political progress should be possible without the inflaming of racial feelings. In inviting Europeans to co-operate in repressing repressive legislation, Mr. Das asks for a degree of confidence which is not yet possible in the light of past experience.

"The Council is confident, however, that if the policy set forth in Mr. Das's manifesto is to govern future political activities, an improved atmosphere of good will among all communities will facilitate the successful removal of those obstacles which at present hamper India's progress".

The Das-Birkenhead Controversy.

In the Lords debate on the Bengal Ordinance on the 31st March Lord Birkenhead, while referring to Mr. Das's manifesto, invited him "to take a further step" and "to go forward and co-operate with Government in repressing the violence he deprecates." (see p. 317). The Indian Press pertinently asked, where is violence and where are the violent societies? In a leading article entitled the "Answering Gesture," the *Forward* of Calcutta, in its issue of 3rd April wrote:—

"We appreciate Lord Birkenhead's references to S. Das and his invitation to him "to take a further step." But if taking a further step means for the latter co-operation with the Government in repressing violence, while the Government continue irresponsible to the people as it is to-day, we are afraid, the noble Lord's invitation to him will not find a response. If on the other hand, he asks for S. Das's co-operation with the Government with a view to eradicate those evils which lie at the root of violence, we venture to assure him that he will not find a more hearty co-worker than the leader of the Swarajya Party. Lord Birkenhead has been pleased to state that S. Das "has publicly dis-associated himself from political assassination and violence." May we take the liberty of pointing out that the manifesto which the former had in view does not speak of a disassociation of things which at one time were or might have been associated—it is a repudiation by the Swarajya Party leader of an association which was sought to be imputed to him, we say, unjustly and without reasonable grounds. That the Secretary of State should have taken the earliest opportunity to give an "answering gesture" to his manifesto, will be appreciated by all who are working for peace and good will on honourable terms. At the present moment we detect in his speech only a shadow, but it is possible there is a reality not very far which casts it."

Mr. Das's Reply to Lord Birkenhead's Invitation.

On the 3rd April Mr. C. R. Das issued the following statement regarding Lord Birkenhead's remarks in the House of Lords on his manifesto of the 29th March.

"Owing to my absence from Calcutta I was not able to read Lord Birkenhead's remarks in the House of Lords on my recent manifesto till a day later, and I hasten to express my points of agreement and disagreement with his lordship. I may premise, however, by saying that the Secretary of State's statement of his position in relation to the policy of repression in general which is being pursued at present in Bengal, and the enactment of the Ordinance in particular, is frank and courteous.

"I am glad to find that his lordship is prepared to lay aside undue suspicion and watch events. That in itself is a declaration of no mean significance. Lord Birkenhead has invited me to go forward and to co-operate with the Government in repressing the violence which I deprecate. I entirely agree with him that never will freedom be reached by violence, and, if I may say so, I devoted a considerable portion of my speech at the Gaya Congress to demonstrating that freedom has never come through acts of violence, and, as I value freedom, I am not only willing but anxious to devote the few years of life that

yet remain to me by carrying on an active propaganda against an evil which is a standing menace to the establishment of Swaraj. But I would be wanting in my duty, as a conscientious citizen, if I did not point out clearly and unequivocally that all my efforts in this direction are bound to be ineffective unless a favourable atmosphere is created by the Government.

"Lord Birkenhead begins by saying that the repression which the Bengal Act contemplated is the repression of crime, and he concludes that nobody who is not a criminal is entitled to express a grievance against that legislation. When I speak of repression I mean it in the sense in which that term is used by constitutional lawyers—the exercise by persons in authority of wide arbitrary or discretionary powers of constraint. English writers of constitutional law have expressed the view that whenever there is discretion there is room for arbitrariness, and discretionary authority on the part of the Government must mean insecurity for legal freedom on the part of its subjects."

"I venture to think that in spite of what His Lordship says this insecurity cannot be removed by merely examining recorded statements and documentary evidence in the absence of accused persons and witnesses. My grievance against the Bengal legislation is that it has empowered the persons in authority to usurp the functions of the court of law and to exercise wide arbitrary and discretionary powers of constraint. But apart from the question of this wholesome principle I invite the Government to ask itself the question: "Whence arises the zeal for lawlessness in Bengal?" Why is it that the Government makes no efforts in the way of removing those deep-rooted causes of political and economic discontent, without which mere repression can never succeed in curing the disease affecting the body politic in this country, and of which the activities sought to be suppressed by repressions are but symptoms?"

"In this connection, I may refer to the view propounded by the Government itself on page 242 of the official publication called "India in 1923-24," and which is in the following words:—"Non-co-operation, as an attitude of mind and as a vehicle of awakened national sentiment, still survives. We shall fail to understand the political life of India to-day unless we realise that from the beginning Mr. Gandhi's campaign has not been so much a cause of Indian unrest as a symptom of those deep discontents from which the unrest resulted." What is true of non-co-operation is also true of the revolutionary movement in this country.

"I have no desire to put my case higher than that. I may quote another authority in support of my view, which cannot be rightly set aside by Lord Birkenhead, the ex-Lord Chancellor, as it emanates from another very eminent Lord Chancellor of England. In his famous and classical essay, headed, "Of Seditions and Troubles," this is what Bacon says, and he speaks therein for all ages and all countries:—"The surest way to prevent seditions is to take away the matter of them; for if there be fuel prepared it is hard to tell whence the spark shall come: that shall set it on fire. The matter of sedition is of two kinds: much poverty and much discontentment."

"This to my mind is conclusive of the situation before us. I, therefore, venture in return to invite Lord Birkenhead to cause a searching enquiry to be made into the causes which have brought about the revolutionary movement in India and then to set about applying the proper remedy, so that there may be a radical and permanent cure of the disease. It is no use treating merely the outward symptoms. I appeal to the Government to treat the disease itself and to apply the proper remedy."

"The Government should recognise that, however mistaken the revolutionaries may be, however wrong and futile their methods, and however criminal and reprehensible their acts, the guiding principle of their lives is sacrifice for the attainment of political and economic freedom for their country. The moment they feel that at any rate the foundation of our freedom is laid by the Government I venture to assert that the revolutionary movement will be a thing of the past. I suggest in all humility that there should be a distinct and authoritative declaration by the Government at the earliest opportunity."

"My answer to his lordship's invitation is, therefore, this: If I were satisfied that the Bengal Act would finally eradicate the evil which is eating into our national system, I would unhesitatingly support the Government. I am not so satisfied. It is not because I would not prevent political crimes even if I could do so, but because I entertain a deep-rooted conviction that without Government meeting us more than half way on the lines suggested by me all my efforts in this direction will fail to achieve their object. And though I think that a favourable atmosphere has been created for further discussion, I am unable to co-operate with the Government in its present policy of repression, using the term in the sense in which I have already used it."

Whitehall on Mr. Das's Statement

On the 6TH APRIL replying to questions of Mr. Thurtle in the House of Commons, asking if there was any hope of early suspension of the Bengal Ordinance, and also asking what action Government proposed to take in regard to the recent statement of Mr. C. R. Das, Earl Winterton said: "My noble friend (Lord Birkenhead) has already welcomed Mr. Das's dissociation of himself and his party from a policy of violence. But he has so far seen only press reports of Mr. Das's utterances. If, as he hopes, Mr. Das now makes constructive proposals which obtain the support of the Government of Bengal and the Government of India, His Majesty's Government so far as they are concerned will give such proposals their sympathetic consideration."

Colonel Josiah Wedgwood asked if favourable consideration would be given to the suggestion that Mr. Das and Mr. Gandhi should come to London in order to consult with the India Office at the same time as the Viceroy was being consulted.

Earl Winterton replied that the present situation was one in which there was obviously hope of a better understanding, and no good purpose would be served by giving any hasty and ill-considered reply to the question.

Colonel Wedgwood:—Does the noble Lord realise that the changed atmosphere can be best utilised by a joint meeting such as now suggested?

Commander J. M. Kenworthy:—Arising out of the last answer may we take it that this change of policy will be met on our part by the greatest possible political liberty being restored in India?

Earl Winterton:—I think my answer deals with that.

On the 9TH APRIL in the House of Commons Mr. Lansbury asked if the Government would invite Mr. Das and Mr. Gandhi together with other representatives of Indian opinion to come to this country for the purpose of discussion and conference as to the best method to be adopted for securing full co-operation between all classes in India for the re-establishment of social and industrial peace in that country.

Lord Winterton replied as follows: "His Majesty's Government will receive with sympathy any concrete proposals put before them by Indian political parties with the support of the Government of India and the local Governments concerned. But it is not their intention to give such invitations as the Hon'ble Member suggests for the reasons: Firstly, the direct conduct of policy and administration in India has been entrusted by the Parliament to the Government of India and the local Governments. It is therefore with these authorities that any discussions or negotiations of the kind must take place and no useful purpose would be served by the intervention of participation at this stage of His Majesty's Government in matters which must ultimately come before them for decision and for the decision of which they are responsible to the Parliament. Secondly, though the Viceroy is about to visit this country for the purpose among others of discussing with His Majesty's Government the political situation in India, it would be placing both him and the Government of India in an entirely false position, if his presence here were made the occasion for negotiations with Indian political parties."

Mr. Das's Faridpore Speech.

To clear the air and to give an idea on what terms the Swaraj Party was willing to abstain from their attitude of continuous and constant opposition and to co-operate with the Government, keeping in view the avowed policy of their Party, namely, the attainment of complete Self-government, Mr. C. R. Das, as President of the Faridpore Conference made the memorable speech (see p. 387) in which he and his party were willing to co-operate honourably in spite of the Dyarchy. We commend to our readers the following informing leading article of the *Hindu* on the Faridpur Conference in its issue of the 2nd May 1925:—

"Were Mr. Das a less patriotic, self-sacrificing and sincere leader, he might well be attacked by a distressing fit of megalomania over the manner in which the limelight is so intensely concentrated upon the least of his 'gestures' in this present tense moment. He holds the centre of the stage in Indian politics to-day largely because he is regarded as

the spokesman of the party, and that the present state of statements has rendered inevitable. He is the leader of the Swarajya Party in Bengal. He has, by a judicious system of alliances, demonstrated the success of his policy of obstruction and made directly impossible in Bengal. His repudiation of anarchy, regarded by friends as a re-statement and by his critics as a renunciation of his previous position, has induced high hopes in official circles of further progress in the pleasant path of co-operation. The Secretary of State even went out of his way to be respectful in his references to Mr. Das. Long-range conversations were reported to be in progress between the two and there was a general feeling that the political atmosphere was distinctly improving and, though optimism was premature, pessimism was not entirely justified by the circumstances. This earlier warmth of enthusiasm was somewhat quenched by the refusal, obviously against his own predilections, of the Secretary of State to consult with Indian leaders. Nevertheless it was felt that the door was not yet closed, much less locked. Meanwhile Mr. Das has been overwhelmed with advice and admonition from all sides. The Anglo-Indian press has appealed to him tearfully to mind with Agag-like delicacy the path that he will tread at Faridpore and has been profuse of compliment and promises of co-operation. This effort of the gift-bringing Greeks has inspired *The Bengalee* to adjure Mr. Das in the sacred name of past associations in politics to remember that Coddin's the friend and not Short. All these appeals were of course based upon the fact that Mr. Das was contemplating a new departure, that he was about to undergo another political metamorphosis from pure non-co-operator into a conditional co-operator. That of course is not a metamorphosis that any leader can exhibit too hastily or abruptly without involving the revolt of his followers. Nor, considering the position of the Swarajists in the Congress, can the country at large be indifferent to such transformation scenes. It is true that Mahatma Gandhi regards the matter differently. He envisages the position in the Congress of the Swarajists much as that of the Transferred Half under Diarchy. He gives the Swarajists *certe blanks* as to their policy in the Councils. But the orientation of that policy must remain a matter of interest and if necessary criticism to the country at large. How far then has Mr. Das fulfilled the hopes and fears of his friends of to-day as of his expectant potential friends of to-morrow? His Presidential Address at the Faridpore Conference must be regarded as a masterpiece of self-restraint. That could never be a defect at any time and at this present moment it is a positive virtue. Whatever may be thought of the possibility of achieving Swaraj through diplomatic negotiations—a point on which the Mahatma appears, from what he says elsewhere, to be gently sceptical—it would be criminal wantonly to throw away an opportunity such as has been offered now. Mr. Das therefore wisely begins with a defence of the ideal of Dominion states as against independence. He displays considerable ingenuity and a certain amount of metaphysics in his arguments but these need not be too closely or censoriously scrutinised. The main portion of his address is devoted to the establishment of the thesis that anarchy is the inevitable result of misgovernment and he accomplishes his task with workmanlike dispassionateness, but too conclusively to leave room for doubt. Having thus made plain that the real solvent for anarchy is not repression but reform, he, in the same vein of studied moderation and courtesy tempered with firmness, proceeds to answer the appeal for co-operation. He makes it plain that co-operation is hampered not because of Swarajist contumacy but because the Reforms Act confers only a hideous simulacrum of power on the Ministers and Councils. He therefore asks as the conditions of co-operation that some real power should be given to these, that there should be a genuine change of heart on the part of our rulers and that Swaraj should be made to devolve automatically upon India after a fixed period of years. Given these conditions, he is prepared to take advantage of the Reforms Act to work for the betterment of the masses. It can hardly be said that these terms are extravagant. And certainly there is some necessity, considering their moderation, to make it clear that their rejection would leave him no alternative than to prepare for mass civil disobedience. Nationalist opinions will naturally differ as to Mr. Das's terms and we shall content ourselves with wondering if in his desire for conciliation Mr. Das does not err on the side of generosity. He is apparently prepared to contemplate the continuance of Diarchy and would be content if it was tinkered up into a certain measure of workability. That represents the substance of his offer, for we cannot imagine the demand for a change of heart would present any insuperable difficulty, so far at least as assurances go. Our old friend, the time-limit, appears again on the stage but will be accepted by public opinion with reluctance. Indeed it ought to be made plain that Mr. Das has gone to the limit of concession, that his terms are mutually complementary and not to be discussed or agreed upon in isolation. Mr. Das has now spoken and with characteristic courage has taken a considerable risk in his moderation. It now remains for the other side to accept or reject the olive-branch."

The speech created a sensation. Every one was eagerly expecting what Lord Birkenhead or the Bureaucracy would make to this offer of honourable co-operation. Days passed on but no indication was apparent anywhere as to their attitude. Everybody was led to believe that some 'gesture' will now be forthcoming to meet Mr. Das, half-way, and all bitter controversy was hushed for the time. In the meantime Mr. Das's health was sinking gradually and it could not be said that this want of response on the part of the Bureaucracy to his last appeal had had no effect on his declining health. His spiritual culture which embraced his love for all human beings, especially his own countrymen who were dying in their thousands in want and misery, could not sustain him long in his onerous and continual fight with the Bureaucracy. At last the strain became too much, and while everyone was in the hope that he was gaining in strength and health in the salubrious climate of Darjeeling, news came as a shock that he had left his mortal coil on the 16th June at 5 p.m.

The heart-rending news was received throughout the country with inexpressible feelings of sorrow and dismay. It was a great tragedy that an invaluable career of devoted service to the Motherland should be abruptly terminated by the cruel hand of Death. We reserve to deal with exhaustively in the next issue the subsequent events which marked in what esteem and respect he was held by his countrymen.

Liberal Approval of Swarajists' Policy.

The genuine Liberal feeling was very accurately reflected by the Rt. Hon. Mr. V. S. Srinivasa Sastri in a communication to the "Servant of India" wherein he stated that the Liberals were not merely content to mouth pious platitudes about the imperfections of Dyarchy, that they realised, as well as any other party in the land, that Dyarchy must be ended soon, and that though they preferred trying conciliatory methods with the Government, they were not opposed to the use of obstruction, if the occasion justified or rendered it desirable. The following is the text of the statement which appeared in the "Servant of India" in its issue of the 16th April :—

"Considerations of prestige, precedence or party loyalty ought not to deter one at this juncture from speaking one's mind freely on the issues involved in readjustment of the mutual relations of political workers which will enable them to act together for winning Swaraj. If Liberals and Swarajists become reunited, it will be the signal for a general rapprochement. It is, therefore, worth while examining the present position of Swarajists in actual practice. In the Central Provinces, where apparently they have scored a characteristic triumph, our information obtained from the well-informed *Hindustan* newspaper points to the reality being just the opposite. It is not aversion from a 'dastard' Government, abomination of diarchy or utter scorn of office which resulted in the rejection of the provision made in the budget for the salaries of ministers. The leaders of the various groups seemed on the contrary to have been anxious to take office, but to have been unable to make the necessary adjustments as amongst themselves. It is expected with confidence that this adjustment will be effected before the Government presents a fresh demand to the Legislative Council, and this part of the country will pass under a Swarajist regime stronger and more popular than was possible when only Liberals were available for office. We cannot be equally positive about Bengal where Mr. C. R. Das claims to have killed diarchy for ever. But in computing the chances one cannot forget that Mr. Fazlul Haq, with whose assistance Mr. Das had the proposals for ministers' salaries thrown out, is by no means a Swarajist or even opposed to the present dual system and that, if the new Governor renews the attempt with a more careful calculation of the

personal elements concerned, the probability is largely in his favour. Mr. Das's statements too give the hope that he is satisfied with his success in the destructive line and would like some compromise with Government which might give him scope for the constructive work that he had now and then adumbrated. In the Central Government the original aim of all-round obstruction has been definitely abandoned. Only verbal dexterity is able to find a formula distinguishing Swarajist action from Independent or Liberal action. Mr. Jinnah, in his lucid manner, enumerates the various votes and divisions which clearly betoken this mutual approximation of the parties. He adds that the Independents are by no means opposed to obstruction on principle but would approve of it on certain occasions and in certain circumstances. He is wrong, however, in supposing that the Liberal party as a whole holds a different view of obstruction as parliamentary strategy. Speaking for myself I have no hesitation in subscribing to his proposition. We may not agree as to the precise occasion or circumstances, but neither of us would be prepared to cast obstruction aside as a weapon in the constitutional struggle. Speaking broadly, a review of Swarajist practice may justify the observation that the men of that party are more often and more easily provoked to the use of obstruction than others. But it would be wrong to use the term "obstructionist" to describe the party as a whole. To wreck the Assembly and to bring the Montagu constitution to a standstill cannot be said any more to be the aim, immediate or remote, of the followers of Pandit Motilal Nehru. They object, however, to drop it from their professed creed and refuse to bring their theory into accord with their practice. As soon as they did this, they would find that the main carrier between them and other sections in the Assembly had disappeared. It is this step that one would invite them to take in order to facilitate the coming together once more of the progressives in the country.

"It is not merely to gratify the political student's desire for precision that this suggestion is seriously made. An important consequence would flow from the formal recognition that constitution wrecking was no part of the future programme. If the Central Legislature is to be kept functioning, it must be kept functioning for the maximum benefit of the people. This implies necessarily that the majority party should take a direct hand in the conduct of its work, to the extent that present constitution renders it possible. It is as unreasonable as impracticable to expect the large group in the Assembly to maintain in office and support loyally the members of smaller groups. However strange it may sound now, there is no real halting place between unqualified obstruction and the acceptance of office. My contention is that Swarajists have no longer any justification for declining the responsibility of office. What applies to the Central Legislature applies to the provincial legislatures as well. Certain conditions have been put forward in Bengal before Mr. Das would undertake to form a ministry and Mr. Fasil Haq informs us that, in his judgment, they are alike feasible and reasonable. It is natural that elsewhere too the Governments should be required to meet the majority party half way in the interests of smooth and efficient administration. A frank and full discussion of this and allied subjects would seem to be the next big step to take to terminate a situation that is neither a deadlock nor a stalemate but causes an intolerable degree of clearly avoidable friction and misunderstanding.

"An objection has been taken to this straight-forward course which merits serious consideration. Is it not inconsistent and even half-stultifying, asks the conscientious Swarajist, to denounce diarchy and at the same time become responsible for its working? It would seem so, considered from an abstract view-point. Life is full of such incongruities and the work-a-day politician is more subject to them than a person in any other walk of life. The marriage law among Hindus is notoriously unjust and even inhuman in certain aspects. Still, we cannot postpone marrying till we have rendered it perfect. The conditions of public service in the lower ranks are not only harsh but positively injurious to self-respect. Nevertheless we do not advise our nephews and sons to forsake Government employment. If criticism of the railway administration and of the operations of the Imperial Bank of India were held to involve as a logical consequence abstention from railway travel or dealings with the most important financial institution in the country, we should all forego as an impossible luxury that which we now regard as our inalienable right, namely striving to improve continually the agencies of public utility. The fundamental mistake was to call the Government "Santans" and understand the term in its literal sense. If you denounce any thing as monstrous and wicked and pertaining to hell, you must keep aloof from it in every shape and form. No single word has been responsible for more crude political thought and action in the recent history of India. Nobody suggests that we should cease our endeavours to reform the constitution; but unless we are satisfied that it is better to be without a constitution than with this, that is to say, unless we are convinced revolutionaries, and earnestly set about the

business of destruction, we must be content to improve on the good till it becomes better and use existing powers to acquire more. Neither political nor ordinary ethics would impose such extraordinary self-denial on free citizens. Of course it is otherwise with an ascetic or saint who practices self-immolation.

"I have been asked whether I am serious in asking Swarajists to give up wrecking tactics and accept office. Could they do this and still be Swarajists? In the first place, if Swarajists must be Swarajists for ever and Liberals must be Liberals for ever and rigid non-co-operators must be rigid non-co-operators for ever, all talk of political reunion is idle. In the second place, what is asked of them is not a new policy but a re-statement of it so as to accord with practice and a whole-hearted following out of the course they have already adopted. There are certain other points on which a settlement would also have to be made when we came to grips with the question, for example, the use of labourers and students in the political campaign and the Congress franchise. These, however, do not make a clear division of principle between the parties; the former is a question largely of temperament and natural sympathy, while the latter is an intrusion into politics recognised by most people as unjustifiable and apparently breaking down under the test of actuality. Propaganda in England remains; but it need not be laboured, once the point regarding the acceptance of office is made good. If even Labour politicians felt a difficulty in negotiating with members of a minority section in India, it is idle to expect a Conservative ministry to pay any attention to representations not proceeding from one united party or from several parties that had arrived at a common understanding on material issues."

Mr. Horniman's Survey of the Swarajists' Work.

The following appreciation of the Swarajists and their work was contributed by Mr. B. G. Horniman, Ex-Editor, 'The "Bombay Chronicle"', to the *Catholic Herald of India* in May 1925:—

"Mr. C. R. Das, the brilliant leader of the Swarajist Party in Bengal, on 29th March published a manifesto which has been taken as a "gesture" of approach to the Government to come to terms with the Nationalists, on which the latter may honourably co-operate in working whatever form of constitutional machinery may be agreed upon as a result of changes, which practically all parties in India recognise must take place as a result of the failure of Dyarchy, though there are differences between the Indian and European points of view as to what these changes should be.

"It is not clear as yet whether Mr. Das is speaking as well on behalf of his fellow-Swarajists in other provinces, or whether he is out only to make a bargain for his own province of Bengal. Up to the present, his has been the only voice to be heard if we expect a platonic non-committal expression of sympathy with his aims from Mr. Gandhi. Perhaps it would be as well, first of all, to explain exactly what the Swarajist party is and what it represents.

"In 1920 Mahatma Gandhi swept the country with his Non-Co-operation movement. The policy of this movement was a strict refusal to co-operate with British institutions in India in any form whatever. The election for the Central Legislative Assembly and the Provincial Councils were to be boycotted, lawyers were to refuse to practice in the established courts, litigants to resort only to courts of arbitration set up by the people themselves, every kind of association with the Government was to be barred and the programme was to work progressively through a series of boycotts of one kind and another up to a mass resistance of the payment of taxes. Popular feeling was so intensely roused by the passage of the Rowlatt Acts, the Amritsar massacre and other excesses of martial law in the Punjab, and the failure of the Government to fulfil the popular demands for the adequate reparation that was considered due to the people, that it seemed that the flood of enthusiasm would carry this passive non-violent movement to final victory. And there is no doubt that the Government were greatly perturbed by it. Unfortunately spasmodic outbreaks of violence occurred in one or two places notably in Bombay during the visit of the Prince of Wales. Gandhi immediately suspended the movement, as he had declared he would do if his condition of non-violence were broken, and the Government seized the opportunity to embark on a vigorous campaign of repression. On the eve of the Prince's visit to Calcutta the chief Bengal leaders, including Mr. Das, were sent to jail, and shortly afterwards Mr. Gandhi himself received a sentence of six years for sedition, refusing to defend himself against the charge.

"While he was in jail Mr. Das underwent a process of mental change. He came to the conclusion that if the Gandhi programme was to be at the mercy of every spontaneous display of violence, which might be produced by all sorts of accidental causes, and even deliberately produced by enemies of the movement, there must be a change of tactics; and he went into the next session of the National Congress to propose that, at least the ban on entry to the Councils should be removed and the Government fought on their own ground. He who joined in this attitude by Pandit Motilal Nehru, the Nationalist leader of the United Provinces—both of them leaders of the Bar in their own provinces, who had abandoned inoperative practices when they joined the Non-Co-operation movement and had adhered to their boycott of the Courts throughout—and a number of other Congress leaders. Though they were not actually a majority in the Congress, they were strong enough to secure the passing of a resolution, leaving it open to those who wished to do so to stand for the Councils and removing the ban, in such cases, on the polling booths. Thereupon, the Swarajist Party became an effective force. At the last election they fought for seats and carried practically all that were open to them.

"Since then the Nationalist movement in India has been divided into two camps—those who adhere to the rigid Non-Co-operation policy of Mr. Gandhi, now in a state of suspended animation, awaiting the moment for its resumption, and the Swarajists, who have been busy effectually embarrassing the Government by their tactics in the various legislative bodies. It is not surprising that the latter have become steadily stronger, while Mr. Gandhi, though still the popular idol, has been politically losing ground.

"Meanwhile the violent revolutionaries, who, though a tiny band of enthusiasts, have never been effectually suppressed, in spite of the drastic measures employed against them, renew signs of activity. An English merchant was shot dead while looking into a shop window in the main street of Calcutta, having been mistaken for the assassin for the Deputy Commissioner of Police, and an alleged "bomb factory" was discovered—among other incidents. At a Swarajist Conference in Bengal a resolution was passed condemning violence but recognising that the murderer of Mr. Day, the victim of the crime mentioned, was inspired by high patriotic motives. Mr. Das was present at this conference. All this led to the passing of the Bengal Ordinance, about which there has been so much discussion, under which persons suspected of political crime can be arrested and imprisoned without trial and detained indefinitely at the pleasure of the Government. A large number of persons are in prison under this Ordinance, among them being well-known Swarajist leaders, including Mr. Das's chief Lieutenant, Mr. S. C. Bose, whose friends declare him to be utterly incapable of connection with violence.

"In the other provinces the Swarajists were not so successful in their attack on the Councils. In Bombay, to take an example, they constitute only about one-third of the strength of the Council, and the Government can generally count upon a majority for essential purposes with the combination of the officials who have the right to sit in the Council, the members nominated by the Government and the not inconsiderable number of members who represent "Minority" constituencies, which are very prolific under the Montagu scheme.

"For similar reasons the Swarajists are in a minority in the Central Legislature, where they are led with great astuteness by Mr. Das's colleague, Pandit Motilal Nehru. But in nearly all matters strongly touching popular interests and grievances they have had the support of a small band of "Independents"—Nationalists who have refused to adhere to the Non-co-operation principle by which the Swarajists still stand and advocate strictly constitutional measures. The result has been frequent defeat of Government measures and Resignations, which have all had to be restored by the arbitrary use of the Viceroy's powers of "certification," a procedure the constant use of which hardly conduces to the prestige of a Government which makes a boast that it is educating the country to understand and work "democratic" principles. The most recent and perhaps the most important instance of the use of this power of Viceroyal certification for the defeat of the popular will is in the case of the Bengal Ordinance. These drastic ordinances can only be enforced by a local government for six months in time of so-called emergency. So a Bill was introduced in the Central Assembly to continue it for six years, the Viceroy unhesitatingly announcing that in such a matter he desired to have the opinion of his Legislative Assembly. The Legislative Assembly rejected it with contempt, the case for the use of this extra legal power being torn to shreds by Swarajists and Independents, whereupon the Viceroy promptly "certified" it and sent it to the Council of State—a sort of senate—which has promptly passed it into law, without further reference to the Assembly, in accordance with the drastic powers given to the Viceroy and Council of State under the Montagu constitution."

The Sikh Movement

The Gurdawara Bill.

Besides giving a general idea of the main features of the Sikh Gurdawara and Shrines Bill, it is better to state the objective of the Gurdawara Reform Movement, the sacrifices which the Sikh Community has made to attain that objective, the previous steps at the Gurdawara Legislation and the causes of their failure.

The aim of the Gurdawara Reform Movement has always been firstly, that all the Sikh Gurdawaras and Shrines in which the whole Sikh community is interested and which according to the Sikh religious principles, traditions, and practice are the common heritage of the whole community, should be controlled by a representative elected Sikh body responsible to the Sikh community and recognised by law.

Secondly, that the form of worship and ritual in these Gurdawaras and Shrines should be restored in its original purity and should continue according to the teachings of the Guru Granth Sahib and the recognised traditions of the Panth.

Thirdly, that all the income and funds of these institutions should be expended for the religious, charitable and educational purposes for which they are intended and for no other purpose and that all accounts should be regularly kept, audited and published.

Fourthly, that all the functionaries in these institutions should be responsible to and subject to the control of the Panthic Committee. This is what the movement means. It is equally important to bear in mind what the movement does not mean and has never meant.

The Gurdawara movement does not mean to interfere in any way with any non-Sikh place of worship nor does it contemplate touching even those Sikh places of worship which are of an exclusive nature, that is, places belonging solely to any denomination or Semparda, like the Udasis, Nirmalas etc., or to any private individual or individuals. The Gurdawara movement does not aim at turning out all incumbents or functionaries of Gurdawaras whether good or bad. It only aims at getting bad incumbents reformed or removed and ending irresponsibility in all cases. The Gurdawara movement does not mean that any secret political purpose should be obtained under the garb of religion and by exploiting religious passions. The Gurdawara movement does not mean to subvert law and administration, for the Shiromoni Gurdawara Parbandak Committee, the custodian of this movement, has always been aiming at securing the objective of Panthic control founded upon satisfactory legislation. All the three elected Committees of 1920, 1921, and 1923 declared it in unmistakable terms that given a satisfactory law the S. G. P. C. would faithfully work it. The allegation that in order to obtain its objective this movement has used lawless and violent methods is due partly to misconception and is mainly due to an effort at misrepresentation. Here and there stray individuals may have erred from the set path, but it is unfair to brand the whole movement as lawless or violent on account of

such stray individuals. If those who make such allegations had any idea of the pain and zeal which fill the heart of the awakened Sikh community, they would give credit to the S. G. P. C. for exercising such rigorous restraint in regulating the efforts of the community to fulfil its fierce determination to reform its temples. The community has never swerved from the ideal of securing a satisfactory law, and its non-violence has won for it the regard of all, and the faithfulness with which the lead of the S. G. P. C. has been followed is a proof of the community's love for organization.

In proof of the earnestness and sincerity of the Sikhs in this movement, one need only refer to the enormous sacrifices made during the last four years at Tarn Taran, Nankana Sahib, Guru-ka-Bagh, Bhai Pheru, Jaito and during the campaigns of wholesale repression in the spring of 1921, the spring of 1922, and since the notification of the S. G. P. C. and S. A. D. as unlawful associations in October 1923. The able statement recently issued by S. Mangal Singh, President, Central Sikh League and the memorial submitted by several members of the Legislative Assembly to the Government of India on the 31st March last, beautifully sum up this heavy toll of life and money and suffering in jails and outside. To sum up, sacrifices so far amount to 30,000 arrested, 400 died and killed, 2,000 wounded, 15 lacks of fines including the forfeiture of pensions of retired soldiers. Ban was also placed on civil and military recruitment of Sikhs.

Having briefly explained what Gurdwara reform means, what it does not mean, and what sacrifices have been made to achieve it, let us now survey in brief the efforts that have been made in the past to solve this problem by shaping some legislation.

In the beginning of the present movement the Government remained neutral and watching. But soon after the tragedy of Tarn Taran, which resulted in the death of two reformers and several casualties, the Government announced on the 16th February, 1921, a conference between the reformers and the Mahants, presided over by Sheikh Asgar Ali I. C. S., then a Secretary to the Punjab Government. But the horrible tragedy of Nankana Sahib happened four days later and the conference was never held. Instead, on March 14th, the Education Minister moved a resolution in the Legislative Council recommending an ordinance to be issued by the Governor-General preliminary to the framing of a legislative measure. In moving his resolution Mian Fasil-i-Husain admitted that the existing law was not adequate. There was the Regulation 19 of 1810, the Regulation 7 of 1817, Act XX of 1863, Act VI of 1920, Act XIV of 1920 and certain provisions in the Civil Procedure Code. Of these the first two did not apply to the Punjab: the third should be left out of account, because the religious endowments, referred to in that Act, did not exist in the Punjab, and the Act of 1920 was only an enabling Act. The provisions of the Civil Procedure Code were the only provisions that could be utilized. But the procedure laid down, he said, was expensive and dilatory. Further on, the Hon'ble Minister said that wherever there was a man unworthy of holding the position of a trustee or who did not fulfil the objects of the trust, there should be an effective machinery of law to replace him. The Sikh members were sceptical about the purpose of the ordinance which made no distinction between ordinary charitable trusts and the Sikh Gurdwaras, which must be managed according to Sikh principles, and therefore they chose to stand aloof. But the resolution was, however, passed without their votes.

The Government, under these circumstances, could not proceed with the ordinance and decided to introduce a Bill instead on 8th April. The Sikh community at this time was feeling extremely discontented on account of the wholesale arrests of reforming Sikhs which came on the heels of the Nankana Tragedy. Consequently, the matter of the release of prisoners became mixed up with the question of framing legislation. Instead of relaxing its attitude, Government made further arrests and prosecuted others for wearing Kirpans. It was in such unfortunate circumstances that the first Gurdawara Bill, otherwise also inadequate and disappointing, was launched. Even the Sikh members of the select committee who did not fully represent Panthic views were not satisfied with the Bill, because it did not recognise the fundamental principle of Panthic control of Gurdwaras. In their minute of dissent they said "The very object of the Bill is likely to be defeated, because this guiding principle is not incorporated in it." They also emphasised the keen feeling of all Sikhs that all the members of the proposed Board of Commissioners should be Sikhs. The S.G.P.C., the real representative of the spirit of reform, considered the Bill as unsatisfactory as none of the important amendments suggested by its representatives had been accepted by the Government. It was a temporary measure, providing for the institution of an inquiry on the results of which a permanent legislation was later to be framed. In effect it would have been only a veiled extension of the existing defective law under which Gurdwaras were being attached like ordinary property and which treated the Panth, the rightful master, as a mere party against its servants, the Mahants. If passed, the result of this legislation would have been that instead of one Sarbrah, whom the Sikhs had with great difficulty ousted, there would have been many Sarbrahs, and instead of controlling one Golden Temple the Government would have come to control all the Sikh temples. In spite of these defects, the S.G.P.C. was willing to make a compromise, if certain important amendments were made. The consideration of the Bill was postponed to 9th May, 1921, in order to make further discussions possible. In the last week of April the Government arranged a conference between the representatives of the reformers and the Mahants. As eventually the Mahant party would not agree to any reasonable proposal regarding either a temporary or a permanent measure, this conference ended in nothing. Government instead of assisting reformers dropped the bill and issued a communique advising the Sikhs to carry out reform by persuasion and also recounted the excellences of the provisions of the existing law, which it had itself already admitted to be defective, costly and dilatory. Informal conversations regarding legislation were again opened in September 1921 when the unfortunate blunder of the Government in taking away forcibly the keys of the Golden Temple led to what is known as the "Keys' Affair". In March 1922 after the restoration of the keys to the S. G. P. C. and the release of the Sikhs arrested during that affair, negotiations were resumed by the Home Secretary and the prospect of a settlement seemed imminent when the Government came out with its 'Lathi'. The notorious Akali-hunt of the spring of 1922 was begun and about 2000 were flung into jails within two weeks in the central districts of the Punjab. The negotiations this time, too, fell through. A few months later came the heart-rending events connected with the Gurmukh-Bagh and perhaps imagining that the Sikhs had been taught their lesson, Government brought out a second Bill in November 1922 and rushed it through the Council in spite of unanimous Sikh and Hindu oppo-

inside and outside the Council. This Bill was the twin brother of the Bill of 1931, with the only difference that two of the three commissioners were to be nominated, one by Sikh Councillors and the other by the S.G.P.C. The rejection of this intrinsically unsatisfactory measure by the Sikhs was partly due to the fact that thousands of their brave brethren were rotting in jails. Immediately after the passage of the Bill, Government resumed conversations with the S. G. P. C. through the Finance Member, Sir John Maynard. Nothing came out as Government was not prepared to concede the principle of a central representative controlling body. The Act of 1922, however, remained a dead letter. The recent events concerning the Nabha deposition, the Jaito sacrilege and the notification of the S. G. P. C. and the S. A. D. as unlawful associations, and the later developments are well known. (*See Register 1924, Vol. I p. 97*). In April 1924 the Punjab Government proposed the appointment of a Committee presided over by General Sir William Birdwood to discuss the solution of preliminary and outstanding questions and frame the principles of a legislative measure. How the Birdwood negotiations failed and through whose fault is quite well known. (*See Register 1924, Vol. II p. 198*.) In October 1924, the venerable Pandit Madan Mohan Malviya personally took up the matter of preparing an agreed measure and confronting the Government with a demand of the Sikh and Hindu Councillors, for the Government had declared time and again that it would agree to anything which was agreed upon by the Sikh and Hindu Councillors. Panditji's Bill was nearing completion and was receiving support from several quarters, when an interpellation in the Punjab Council brought on informal conversations led to the official announcement of the appointment of Messrs. Emerson and Puckle to discuss the provisions of a Gurdawara measure with a Sub-Committee of the Sikh Councillors.

After nearly 5 months' hard work, the present measure has been evolved and it is expected that if it is passed and if the Government also tackles other allied Sikh religious questions like those of the Akali prisoners, Jaito Akhand Path, and the Criminal Law Amendment Act notification in a statesman-like and magnanimous way, the Sikh unrest would see its end.

The Bill in the Punjab Council.

The Gurdawara Bill had a strong support from all quarters :—

In explaining the basic principle of the Bill in the Council S. Tara Singh said that temples were the soul and life of a nation. To the Sikhs they were particularly so. Their lives and religion depended solely on the purity of their lives and worship. The Sikh religion was necessarily a congregational religion. According to the Holy Gurus, the succession to the priesthood of places of worship was not hereditary, but went to him that deserved most on account of his qualifications. Guru Angad's case can be quoted in this respect.

There was a great regard for the Sangat (Congregation) among the Sikhs than whom even the Gurus considered themselves lower. The Sangat had a higher vote than the Gurus. It was also the greatest power in the Sikh Religion. To prove this the instance of Maharaja Ranjit Singh, the Lion of the Punjab, who had once to go with folded hands before the Akal Takht, would suffice.

The holy places used to be put in charge of Mahants who were removable on becoming corrupt in which case the Sangat managed the Gurdwaras. The Mahants however assumed with lapse of time the ownership of the property attached to Gurdwaras.

Raja Narindra Nath was very much pleased and said that the object was laudable and that they were living in a democratic age which required transfer of control to the people.

Mr. Craik, on behalf of the official Benches heartily welcomed the Bill not only because it was conceived in a spirit of compromise, but also because he was sanguine enough to hope that in this bill they had the dawn of a happier era in the history of the Sikh community. The Bill had received support from all sections of the press.

Rana Feroz-ud-din, welcomed the Bill and said that it would give peace to the hearts of the Sikhs who had shown admirable sacrifice, and also because it showed that the Government had learnt to yield to the pressure of public opinion.

Sir Gopal Das, Mir Maqbul Mohammad, Dr. Gokul Chand Narang, Sardar Bata Singh, Mian Sir Fazi-Hussain and others all supported the bill in strong words.

A Select Committee consisting of 19 members was appointed who received applications regarding the inclusion of Gurdwaras in Schedules I and II.

(For further details see proceedings of Punjab Council p.273.)

The Demands of the S. G. P. C.

The Bill had the general acceptance of the S. G. P. C. on 26th and 27th April. Besides certain amendments the following were the demands made by the Committee :—

1. Releasing unconditionally all the prisoners convicted or under-trial in connection with the Gurdawara Reform movement.
2. Removing the existing restriction imposed upon the pilgrimage to and the performance of Akhand Path at Gurdawara Gangsar Sahib, Jaito, and by releasing all the prisoners under trial or convicted in connection therewith.
3. Cancelling the notification under the Criminal Law Amendment Act declaring the S. G. P. C. and the Shiromani Akali Dal as unlawful.
4. Freeing Kirpan from all restrictions and releasing unconditionally all prisoners under trial or convicted in connection with including those

convicted by the Military authorities for wearing kirpans or black turbans and reinstating them in their respective positions.

5. Removing all the Punitive Police Posts imposed on Sikh villages in connection with the Gurdawara Reform movement.

6. Reinstating all Lambardars, Zaildars, etc., dismissed, suspended and reduced in connection with this movement and restoring the pensions, and grants of land, confiscated in connection with this movement, allowing to return to their respective homes all Sikhs deported and removing the names of all such persons from the police register No. 10 under section 110, etc. as may have been placed by the police in connection with the Gurdawara Reform movement: and

7. Giving effect to all the above enumerated demands throughout British India and Native States.

The Sikh Sudhar Committees.

Seeing that he has no chance to address the real representatives of the Sikhs the Governor of the Punjab not very infrequently finds time to speak on the Sikh situation. The Sikh Sudhar Committees were an organization of the Moderate Sikhs of the Punjab. Its ostensible object was to bring Gurdawara reform through constitutional means as opposed to those adopted by the S. G. P. C. Truly speaking, these committees had not in the least any sympathy for the reform movement but they were what the Government wanted them to be. Still to show the mentality of the dumb driven people under the guidance of the 'Sirkar' the following words were given out by His Excellency Sir Malcolm Hailey in reply to the address of the Sikh Sudhar Committee at Lyallpur on the 28th April 1925:—

Referring to the recent developments in the Sikh situation His Excellency said:—

"You are common with others who have the welfare of Sikhism at heart have consistently maintained that the religious issue must be solved by itself, and that settlement can only be achieved by the promotion of suitable Gurdawara legislation. You will therefore, I am sure, regard it as a happy augury, that a private Bill has now been promoted by the Sikh Members of the Legislative Council, which is drafted in principles which, in my opinion, are such as can reasonably secure the assent of all those whose interests are mainly involved. That Bill will, if all goes well, in a few days come before the legislature, and I do not wish to attempt now either to criticize or discuss its provisions in detail. But I think it only just that, I should take the opportunity of recognizing the reasonable spirit which has actuated those who have been mainly responsible for its promotion: for I owe to this a promise that questions other than the purely religious issue which the Bill seeks to settle may in due season find their solution. But let me add one word of counsel to you. The passing of a new Gurdawara Bill is a step towards settlement of the troubles which have for long afflicted your country."

nity. But it is not in itself a final settlement. Quite apart from the necessity of bringing into operation the measures contemplated in the Bill, much still remains for the future. A large field of work still awaits those men of moderation and good-will who are genuinely interested in the social and moral advance of the Sikh community. Much is to be done if we are to direct into better channel the somewhat unfortunate mentality that has been acquired of late years by a certain extreme section of the community, and which still shows itself in the wild vituperations and the futile imaginings of a certain portion of their press. I say this, not because I have in my mind any desire to crush or dominate any section of the community, however ill-advised or misguided it may seem to us to be, but because I feel that extremism of this type reacts on the community as a whole, and denies it the sympathy of those who are working for the ordered progress of the Province as a whole. If I counsel you not to relax your efforts, if I urge you to persist in your endeavour to counter tendencies of this type, it is with the single purpose of assisting the Sikhs themselves and with a genuine desire to see the community acquire that position of credit and prestige which it has earned by honourable traditions in the past and which I hope its many great qualities will secure it in the time that are to come."

The Akali Leaders' Trial.

During this period the Akali Leaders' trial was being held in the Lahore Fort. Mr. Smith, the Police officer, who filed the complaint on behalf of the Government during his cross-examination from 23-1-35 to 27-1-35 deposed that he was the officer in-charge of the Punjab C.I.D. All the reports from the C.I.D. Officers were submitted to him and he used his discretion to determine whether or not they should be sent to Government. Witness, for instance, informed the Government that the Sikhs in the Punjab wanted to establish Sikh Raj. In his opinion some Sikh Papers were seditious and anti-Government. In giving the history of the Sikh movement witness alleged that the S. G. P. C. and several other Sikh institutions were anti-Govt. Asked whether he could produce the reports submitted by the witnesses, Mr. Smith said that he could not, because they were "*Extremely confidential*." He also refused to answer any questions relating to those reports. Witness remembered that S. B. Mahab Singh asked the following question in the Council, "Now that the Government has given up its control of Darbar Sahib, will it kindly present accounts thereof for the period of their stewardship?" The reply was: "The Government have had never to do anything with accounts. It only appointed the Sarbrah and that right has been given up. The Government interference in the management of the Golden Temple was withdrawn." The 55 boys of the Golden Temple were taken away by the Government after the issue of the above resolution. In reply to S. B. Mahab Singh's question the witness stated that he knew that the S. G. P. C. had issued a communique advising the Sikh soldiers not to wear Kirpans

or turbans of different colours than those prescribed when on duty or under orders. Ex. 55 was a copy of the letter from the Deputy Commissioner Amritsar thanking S. Mehtab Singh, President, S. G. P. C. for the assistance given in the Hindu-Muslim riots. These services were mentioned in releasing Gura-ka-Bagh prisoners. In the ranks of the workers of the S. G. P. C. there had been men who had joined it for the sake of Gurdawara Reform, and with no political hostility to Government.

Witness did not remember having seen any speech made by any accused or any member of the S. G. P. C. in which mention was made of the Sikhs' desire for a Sikh Raj in the Punjab. Witness did not come across any paper out of the thousands obtained in the search where undertaking to establish Sikh Raj or in which any mention of such Raj was made.

Witness knew that the S. G. P. C. had telegraphed to the Viceroy to hold an enquiry into the Nabha affair, saying that it was doubtful whether the abdication was voluntary or not. He also knew that a reminder to that was also submitted. So far as he knew no reply was vouchsafed to that telegram. There was agitation in the press and on the platform for an enquiry committee but no such committee was appointed.

Witness agreed that the wearing of long kirpans was permitted by law. There was a branch of the Salvation Army in the Punjab. They also had their provincial, district and local organisations with Colonels, Captains, Commissioners, etc. The Salvation Army had uniforms, with definite colours and badges and marks.

Witness had not proved any item to show that the S. G. P. C. had either received any income or incurred any expenditure on account of Akali-Pardesi.

Witness did not know which of the accused were present in the meeting of the S. G. P. C. where the Nabha resolution was passed, nor which of them voted in favour and which against the resolution. The Chief Khalsa Diwan or other Sikh Communities had not opposed the Gurdawara Reform. Movements run by the S. G. P. C.

It was true that during the late War the Sikhs offered Ardass etc. for the victory of British Arms. Witness knew that some money was invested by the Darbar Sahib in the War Loan.

The opinion of witness had changed in some matters after he had submitted the confidential report to Government relating to the Sikh Movement. As an example of what were the actual ideas of a most responsible official of the Government and what he had submitted in his confidential report we have, in the above few lines, tried to place before our readers. It is for them to see how far the present so called Akali Leaders' trial can be justified in the face of such findings.

The Second Batch of the S. G. P. C.

The Second Batch of the S. G. P. C. was arrested on the 7th January 1924, for the alleged offence of promoting a meeting of the body duly notified to be an unlawful association. The police tried to reach the scene of the gathering but could not do so. The members showed their willingness to be arrested if the police sent in their names. Ultimately 61 persons surrendered themselves at the Kotwali, where they were formally arrested and challaned under Criminal Law Amendment Act. XIV of 1908, Sec. 17 (B). (*For details See Register 1924, Vol. I, p. 637*).

The prosecution could put in only S. Jodh Singh, M.L.A., as their chief eye-witness to substantiate that a meeting was held. He definitely denied that there was any meeting, when he reached the place. The prosecution could not bring any evidence to prove the statements that were on the prosecution file. Nor did they attempt to concern themselves about the presence of individuals in the place of meeting. The accused were however convicted, only four having been discharged for various reasons. Four of the convicted ones appealed to the sessions Judge but the appeal was dismissed. These four appealed to the High Court, while the remaining 53 did not apply for revision. The case of the four appellants came up for revision before a bench of the High Court on the 27th January 1925, when the arguments were heard. Then it took full one month and judgment was announced on the 24th February, acquitting the above four. Nothing was said about the remaining 53. The trial was joint, and all of them were convicted on the strength of the same evidence. Their Lordships found the evidence insufficient to prove either that there was any meeting of the Committee or the appellants took part in that. Exactly similar was the case with the rest of the batch. There was no justification why the 51 should undergo imprisonment for an offence which the High Court denied having been committed, by four of their comrades. The Bench had the power of revising the order regarding these as well. But they did not do it. It was a glaring judicial anomaly. There were two judgments based on the same evidence,—one of the Subordinate court convicting 57 persons to undergo two years rigorous imprisonment, and the other of the Supreme Court of Judicature in the Province acquitting four of the same group. Since 24th February 1925, both in the press and on the platform the voice was raised for the release of remaining members of the 2nd Batch. Shri Gurn Singh Sabha, Lahore, Tarn Taran, and other places, S. Trilok Singh son of S. Mohan Singh Vaid, Tarn Taran, and other responsible persons and relatives of the 53 accused invited the attention of the High Court towards this matter, but to no effect. Telegrams and letters were addressed to the Chief Justice, High Court and H. E. the Governor of the Punjab. Firing a deaf ear to all these communications neither the Govt. nor the High Court gave any reply.

In order to bring before the public view the nature of justice one got at the hands of the Punjab Govt. an application was sent by S. Mohan Singh Vaid, Municipal Commissioner, Executive Member Chief Khalsa Diwan, Vice President, P. T. Federation, Tarn Taran (Amritsar), Doctor Bhagwan Singh of Amritsar, S. Hakim Singh, B.A.L.L.B., Pleader, Montgomery, the members of the S. G. P. C. who were ~~detained~~ in the Mianwali Jail to the

THE SIKH MOVEMENT

Chief Justice, Punjab High Court through R. B. L. Moti Nagar, Advocate, Mr. Judge, Punjab High Court and S. Amar Singh, Vakil, High Court. The copy of the Judgment is as follows :—

Petition for revision under section 435/561-A, C. P. C. read with section 107 of the Govt. of India, Act of the Order of S. B. Hardiyal Singh Magistrate 1 Class Amritsar, and the Sessions Judge, Amritsar, 23rd June 1924 (Vide Criminal Revision No. 1039 of 1924.

Order.

The petitioners have applied to this Court in its Revisional Jurisdiction under Section 439, C. P. C., praying that their convictions under Section 17(2) of the Criminal Law Amendment Act be set aside. The petitioners did not appeal against the convictions which are now sought to be challenged, and that being so I am prohibited by Section 439(5) of the C. P. C. from entertaining his application. Clause 5 reads as follows :—"Where under this code an appeal lies and no appeal is brought, no proceedings by way of revisions shall be entertained at the instance of the party who would have appealed. The application being prohibited by statute is rejected. Sd. Cecil Fforda., Judge, 18th April 1925.

On the 14th of April, a letter No. 10007-Judl. was issued from the Secretary, Govt. Punjab, to the Inspector General of Prisons, Punjab :—

I am directed to intimate that the prisoners mentioned in the accompanying statement were convicted under Section 17(2) etc.

2. As Government gave an undertaking in the March Session of the Punjab Legislative Council to consider representations from those prisoners who did not appeal to the High Court in this case I am to ask you to instruct the Superintendents of the jails where these men are imprisoned to forward any representation they desire to make in view of the findings pronounced in the High Courts Judgment mentioned above of which five spare copies are herewith attached.

Copy forwarded to the Special Class prisoners for any representation they desire to make.

As the above letter was received by the prisoners in the different jails, Minawall, Multan, Shahpur, Jhelum, where the 2nd Batch were undergoing their imprisonment, the prisoners who had quite lost their faith in the British justice thought it better to finish their imprisonment rather than beg the Govt. for release when the latter was totally unjustified in keeping the former any more in imprisonment. Up to the 30th June none applied in the form of representation.

Ban on Shahidi Jathas proceeding to Jaito.

Sardar Partap Singh questioned in the Punjab Council "Will the Govt. be pleased to state whether the Jathas proceeding to Jaito were declared unlawful assemblies by them? If so, will the Government be pleased to state the number and the date of the notification declaring these Jathas to be unlawful assemblies?"

In reply he was informed by the Honourable Sir John Maynard that all Jathas organised by or affiliated to the S. G. P. C. or the Akali Dal were notified as unlawful associations under the Act of 1908 by the P. G. Notifications No. 33772 and 33773 of the 12th Oct. 1923.

Conviction of persons for entertaining Shahidi Jathas was not uncommon. The term of imprisonment ranged between 2 years and 6 months with fine. Jathadars at various places of the encampments of the Shahidi Jathas were vainly desisted from their duty by the Govt. Officials. Up to 1st January 1925, 23000 Akalis were in the different Jails of the Punjab and other Provinces and States. They had been a victim of Rs. 11,00,000 as fine.

About 700 Zaildars, Lambardars, etc. were suspended on account of their sympathising with the Akali Movement. For instance S. Mohinder Singh, Bar-at-Law, Ludhiana, Deputy President, Punjab Legislative Council was sentenced to 3 years' imprisonment with a fine of Rs. 1000/- for his entertaining the Shahidi Jatha. This was afterwards pronounced unlawful in the appeal case. The Jagirs, pensions, titles, honorary Magistracy, Civil Judgships and the licenses for arms etc. were confiscated simply on the pretext of having sympathy with their brethren, the Akalis.

The Canadian Shahidi Jatha left Amritsar on 1st January 1925. As many as 4 Shahidi Jathas containing altogether 1545 Akalis left Amritsar for Jaito. The total number of Shahidi Jathas up to 30th June 1925 was 17 of 500 each and one Canadian and one Shanghai (China) Jatha which had come from Canada and China.

Mr. Rushbrook Williams in "India in 1923-24"

A purely official publication, 'India in 1923-24' by Mr. Rushbrook Williams, to whom the task of preparing these annual reports for presentation to Parliament has been entrusted by the Government of India, contains statements remarkable both for their independence and their impartiality. It is probably for this reason, as well as because this report is now presented under the authority and with the general approval of the Secretary of State that the author has seen fit to introduce the volume with the explanatory observation that "It must not be understood that the approval either of the Secretary of State or of the Government of India extends to every particular expression of the opinion."

When, however, fairness and justice do demand a direct condemnation of an official policy or measure it is no matter for surprise that our author is found either partially or wholly wanting. There could be no clearer proof of this falling off from the standard placed by the author before himself than in his treatment of the Guru-ka-bag and Jaito incidents. As regards the first, he only tells us that "the Jathas sent by the S. G. P. C. were stopped by the police and dispersed as unlawful assemblies," and that a "great sensation was created by the fact that the Akalis had taken a vow of non-violence and offered no resistance to the measures which the Police adopted for their dispersion." He can scarcely be unaware that it was not the vow of non-violence of the Akalis but the brutal treatment accorded to the Jathas that created the sensation in this case, and in fact so shocked and scandalized was public opinion that the Government was forced to abandon the method. As regards Jaito the author quotes word for word the official version, including even the allegations as to the existence of arms in the possession of the mob, and takes absolutely no note of the version of impartial and independent observers, including an American journalist of unimpeachable integrity. (*For Mr. Zimand's version See Register 1984, Vol. 1, p. 109*). In such cases instead of giving the version as his own the author would clearly have done greater justice to himself if he had made it clear that he was only giving the official version.

GANDHI-SHAUKATALI STATEMENT

On The Kohat Tragedy

The much-longed for statement of Mahatma Gandhi and Maulana Shaukat Ali on the deplorable Kohat tragedy, perpetrated on the 10th September last, was published in the Mahatmaji's organ, the YOUNG INDIA on the 26th March 1925. The Mahatma tried his best to go to Kohat personally to bring about a reconciliation between the Hindus and Moslems and to make a sifting enquiry into the causes of the riot, but he was refused permission by the Viceroy. He, however, went to Rawalpindi along with Maulana Shaukat Ali and there took the evidence of the Hindu refugees and the Mussalmans of Kohat to whom he specially invited for the purpose. Both Mahatmaji and Maulana issued two separate statements, each signing his own, as there were material differences between two or three inferences drawn by them from the same facts. For the details of the riot and the Government of India statement on same, the reader is referred to Register 1924 Vol. II pages 26 and 31.

The following is the full text of the Mahatma's statement :—

Mahatma Gandhi's Statement.

Maulana Shaukat Ali and I went to Rawalpindi on the 1th Feb. to meet the Hindu refugees and the Mussalmans of Kohat to whom the Maulana had written and who were expected to come to Rawalpindi. Lala Lajpatrai followed a day later. But unfortunately he came with a predisposition to fever and was laid up in bed the whole of the time we were in Rawalpindi.

Of the Mussalmans Maulvi Ahmad Gul and Pir Sahab Kamal were the principal parties whose evidence we took. The Hindus had their written and printed statements to which they had nothing to add. The Muslim Working Committee which is functioning in Kohat did not and would not come. They sent a wire to Maulana Sahab saying, "a reconciliation has already been effected between Hindus and Muslims. In our opinion this question should not be reopened. The Muslims should therefore be excused for not sending their representatives to Rawalpindi."

Maulvi Ahmad Gul and another gentleman who came to Rawalpindi with him were members of the Working Committee but they said they came not as such but as members of the Khilafat Committee.

It was difficult to come to any conclusions on details without a thorough examination on the spot and without examining many more witnesses. This, however, we could not do. We could not go to Kohat nor was it our purpose to rake up the whole controversy again by going into minute details. Our purpose was to bring together the two parties if it was at all possible. We therefore confined ourselves to elucidating the main facts.

As I am writing this without a detailed consultation with the Maulana Sahab, I state my own conclusions, leaving him either to confirm mine or to state his own.

The causes of the events of the 9th September and after were many. Among these was the resentment felt by the Mussalmans over the resentment

felt in their turn by the Hindus over the conversions (so-called, in my opinion) of Hindus—men and married women, and consequent steps taken by them, the Hindus. The desire of the Parsahs (Musalmán traders of Kohat) to oust the Hindus of Kohat was another. The resentment felt over the alleged abduction by Sirdar Makhasing's son of a married Musalmán girl was the third.

The cumulative effect of these causes was to create great tension between the communities. The immediate cause that lighted the conflagration was a poem in the notorious pamphlet published by Mr. Jiwandas, Secretary, Sanatan Dharma Sabha at Rawalpindi and imported by him into Kohat. It contained a number of Bhajans or poems in praise of Shri Krishna and Hindu Muslim Unity. But it also contained the one in question. It was a highly offensive poem, undoubtedly calculated to wound Muslim susceptibilities. Mr. Jiwandas was not the author. He did not import the pamphlet in order to irritate the Musalmáns. As soon as the matter was brought to the notice of the Sanatan Dharma Sabha, it sent a written apology to the Musalmáns for the offending poem and removed it from the unsold copies. This might have satisfied the Musalmáns, but it did not. The unsold copies, over 500 according to Musalmán testimony and over 900 according to Hindu testimony, were brought to the Town Hall and publicly burnt in the presence of the Assistant Commissioner and a large concourse of Musalmáns. The cover of the pamphlet contained a portrait of Shri Krishna. Mr. Jiwandas was arrested. This took place on the 3rd September, 1924. He was to be brought before Court on the 11th. The Hindus tried to avoid the Court proceedings and to settle the matter amicably. A Khilafat deputation, too, came from Peshawar for the purpose. The Musalmáns wanted to try Mr. Jiwandas according to Shariat. The Hindus declined but offered to submit to the award of the Khilafatists. The negotiations fell through. The Hindus therefore applied for discharge of Mr. Jiwandas. He was released on the 8th September under security and under instructions to leave Kohat. He did leave Kohat immediately. This anticipation of the date of trial enraged the Musalmáns. During the night of the 8th September they held an excited meeting at which fiery speeches were made. It was resolved to approach the Deputy Commissioner in a body and to demand the re-arrest of Mr. Jiwandas and the arrest of certain other members of the Sanatan Dharma Sabha. Reprials against the Hindus were threatened if the Deputy Commissioner did not listen to the demand. Messages were sent out to the neighbouring villages to join the assembly in the morning. About two thousand angry Musalmáns, according to Pir Kamal, marched to the Town Hall. The request of the Deputy Commissioner that a small party from among the assembly should see him in the Town Hall was rejected and he was compelled to face the vast crowd outside. He yielded to the demand and the elated crowd dispersed.

The Hindus had become nervous through fright during the preceding week. On the 6th of September they sent a letter to the Deputy Commissioner informing him of the prevailing excitement among the Musalmáns. But no precautions were taken by him for their safety. They were aware of the proceedings of the meeting during the night of the 8th. They therefore sent in the morning of the 9th telegrams notifying the authorities of their fears and requesting them not to re-arrest Jiwandas. The latter still took no notice. There is a hot dispute as to what the crowd did after

dispersed near the Town Hall. The Mussalman version is that the Hindus fired the first shot killing a Mussalman boy and wounding another, that this infuriated the mob resulting in the burning and looting that took place that day. The Hindu version is that the first shot was fired by the Mussalmans, that they, the Hindus, fired afterwards and in self-defence, and that the whole of the looting and burning was according to a pre-arranged plan and after pre-arranged signals. There is no direct evidence on the point and I am unable to reach a definite conclusion. The Mussalmans contend that no damage would have occurred if the Hindus had not fired the first shot. I am unable to accept the contention. In my opinion some damage was bound to be done, whether the Hindus had fired or not.

It is certain to me that Sirdar Makhan Sing's suburban residence was burnt and its garden damaged by the crowd before the firing, no matter from which side it was begun. But there is no doubt that the Hindus did fire and kill or wound some Mussalmans at some stage or other. My opinion is that the crowd elated by its success dispersed itself in several directions and made hostile demonstrations in front of Hindu houses or shops. I should not be surprised if the Hindus who, as shown above, were already nervous and were expecting trouble, took fright at the demonstration and fired in order to scare away the mob. But such an attitude of resistance would infuriate the Mussalmans who were unused to resistance on the part of the Hindus. For, as Pir Kamal said, the Frontier Mussalmans regarded themselves as *Nayaks* (protectors) and the Hindus as *Hamsayaks* (here meaning protected). The more therefore the Hindus showed resistance the greater became the fury of the mob.

To me, then, who fired the first shot has not much significance for the purpose of the distribution of blame. No doubt, if the Hindus had not defended themselves at all or if they had not fired the first shot, assuming that they did, the Mussalman demonstration would have exhausted itself sooner. But such was not to be expected of the Hindus who were in possession of arms and knew more or less indifferently how to use them. Mussalman witnesses questioned Hindu deaths or even injury to Hindus on the 9th. I am, however, certain that several Hindus died or were wounded on the 9th at the hands of the Mussalmans. It is difficult to give the total number. It is a pleasure, however, to note here that some Mussalmans befriended the Hindus and gave them shelter.

It is generally admitted that on the 10th September the Mussalman fury knew no bounds. No doubt highly exaggerated reports of Mussalman deaths at Hindu hands were spread and tribesmen from all parts stole into Kohat by making breaches in the walls and otherwise. Destruction of life and property, in which the constabulary freely partook, which was witnessed by the officials and which they could have prevented, was general. Had not the Hindus been withdrawn from their places and taken to the Cantonment, not many would have lived. Much has been made of the fact that Mussalmans too suffered and that tribesmen, once their passion for looting is let loose, make no distinction between Hindu property and Mussalman property. Whilst this statement is true, I do not believe that the Mussalmans have suffered in any way proportionate to the Hindus. And I must respectfully mention that even some Khilafat volunteers, whose duty it was to protect the Hindus, and regard them as their own kith and kin, neglected their duty and not only joined in the loot but also took part in the previous incitement.

But the worst is yet to be related. During these days temples including a Gurudwara were damaged and idols broken. There were numerous forced conversions, or conversions so-called, i.e., conversions pretended for safety. Two Hindus at least were brutally murdered because they (the one certainly, the other inferentially) would not accept Islam. The so-called conversions are thus described by a Muslim witness: "The Hindus came and asked to have their *Sikhas*, cut and sacred threads destroyed, or the Mussalmans when they approached for protection said they could be protected only by declaring themselves Mussalmans and removing the signs of Hinduism." I fear the truth is bitterer than is put here if I am to credit the Hindu version. I must say in fairness to the Muslim friend that he did not regard these acts as conversions at all. Taking it at its lowest, the performance is humiliating alike for the Mussalmans and the Hindus. It would have redounded to the credit of the Mussalmans concerned, if they had steeled the hearts of the unmanly Hindus and offered them protection in spite of their remaining Hindus and retaining the symbols of Hinduism. The Hindus would have gone down to posterity as martyrs and heroes of whom mankind, let alone Hindus, would have been proud if they had preferred death to denying their faith, albeit outwardly, in order to live.

I must now say a word regarding the Government. The authorities on the spot betrayed callous indifference, incompetence and weakness.

It was an error to have burnt the pamphlet after the offending poem was withdrawn.

It was right to arrest Mr. Jiwandas in the first instance, but it was an error of judgment to have released him before the 11th.

It was criminal to have re-arrested him after release.

It was criminal to have disregarded the warnings given by the Hindus on the 6th September and repeated on the 9th that their lives and property were in danger.

It was criminal not to have offered protection when the riot eventually broke out.

It was inhuman not to have provided the refugees with food after their removal and to have left them to their own resources after their removal to Rawalpindi.

It was a gross neglect of their duty on the part of the Government of India not to have appointed an impartial commission to inquire into the events and the conduct of the officials concerned.

As to the future I am sorry that it is no brighter than the past. It is a matter of great pity that the Muslim Working Committee was not represented at our inquiry. The so-called reconciliation is a reconciliation brought about under threat of prosecution against both. It passes comprehension how a strong Government could be party to such a compromise. If it wanted to avoid prosecutions for fear of another demonstration on the part of the tribesmen, it should have boldly said so and declined to prosecute and then tried to bring about an amicable and honourable settlement between the parties. The compromise is intrinsically bad, because it makes no provision for restoration of lost and damaged property. It is also bad because it still involves prosecution of Mr. Jiwandas who is being made the scape-goat. It is therefore necessary, if there is to be real cleansing of hearts and genuine reconciliation, for the Mussalmans to invite the Hindu refugees and give them assurances of protection and help in reinstating their temples and Gurudwaras.

But the most important assurance that should be given is, that in future no conversions are to take place except in the presence of the elders of the communities and except in the cases of those who understand the full meaning of what they are doing; and if such conversions are attempted they should receive no recognition. I would personally like the stopping of all conversions and *dhuddis*. One's faith is a personal matter with oneself. It is open to any person of mature age to change his or her faith when and as often as he or she wishes. But if I could do so, I would stop all propaganda except through one's conduct. Conversion is a matter of heart and reason. An appeal to heart and reason can only be made through conduct. I am unable to conceive genuine conversions on the Frontier where they, a hopeless minority untrained in the use of arms, live in the midst of an overwhelming majority who are, moreover, by far their superiors in bodily strength and use of arms. The temptation for a weak man in such circumstances to embrace Islam for worldly gain is irresistible.

Whether such assurances are forthcoming or not, whether a genuine change of heart is possible or not, I am quite clear of the course that should be adopted. Whilst the foreign domination in existence some contact with it somewhere is inevitable. But all voluntary contact must be avoided wherever possible. This is the way to feel independent and to cultivate independence. And when a large number feels independent we are ready for *Swraj*. I can only suggest solutions of questions in terms of *Swraj*. I would therefore sacrifice present individual gain for future national gain. Even if Mussalmans refuse to make approaches and even if the Hindus of Kohat may have to lose their all, I should still say that they must not think of returning to Kohat till there is complete reconciliation between them and the Mussalmans, and until they feel that they are able to live at peace with the latter without the protection of the British bayonet. But I know that this is a counsel of perfection and not likely to be followed by Hindus. Nevertheless, I can tender no other advice. For me it is the only practical advice I can give. And if they cannot appreciate it they must follow their own inclination. They are the best judges of their own capacity. They were in Kohat not as nationalists. They want to return not as nationalists but for the purpose of regaining their possessions. They will therefore do what to them seems feasible and advantageous. Only they must not try to do two things at a time.—to try to follow my advice and at the same time to negotiate with the Government for terms. I know that they are not now co-operators. They have ever relied upon British help. I can but point out consequences and leave them to choose their course.

My advice to the Mussalmans is equally simple. There was no cause for offence at the Hindus feeling perturbed at the so-called conversions or Hindu husbands taking means to regain lost wives. I know that in spite of the discharge of Sirdar Mahan Singh's son upon the charge of abduction, many Mussalmans continue to believe in the guilt of the Sirdar's son. But assuming the guilt of the young Sirdar, his crime was no warrant for the fearful vengeance wreaked upon a whole community. The importation of the pamphlet containing the highly offensive poem was undoubtedly bad, especially in a place like Kohat. But the Sabha made enough reparation by its apology. It was, however, held insufficient by the Mussalmans, and the Sanatan Sabha was compelled to make further reparation by the burning of the copies of the whole pamphlet including

the portrait of Shri Krishna. Everything done thereafter to the Hindus was far in excess of the requirements. As I have said before, I am not sure who fired the first shot; but assuming that the Hindus did it, it was done in panic and in self-protection and therefore excusable even if not justifiable, and that the reprisals taken were wholly unwarranted. Therefore, it is the Mussalmans who owe them such reparation as is possible in the circumstances. They, the Mussalmans, need no Government protection or aid against the Hindus. The latter can do them no harm even if they wished. But here again I am on unsafe ground. I do not possess even the honour of an acquaintance with the present advisers of the Mussalmans of Kohat. They must therefore be the best judges of what is good for the Mussalmans and good for India.

If both the parties desire Government intervention my services are perfectly useless as I do not believe in the desirability of seeking such intervention and I could take no part in any negotiations with the Government. Whilst the Hindus are entitled to and must claim fair treatment from the Mussalmans, both need to protect themselves against the Government whose policy it is to set the one against the other. The Frontier is a non-regulation province where the will of an official is the law. It should be the pride of the Hindus and the Mussalmans to co-operate with one another to achieve full representative Government. Such cannot be the case unless the two communities can trust one another and the desire is common to both.

Maulana Shaukat Ali's Statement

From the very first day when I heard of the unfortunate affair of Kohat and all through the sitting of the Unity Conference at Delhi, when Mahatmaji was keeping his twentyone day's fast, right up to the last day I spent at Rawalpindi in touch with both Hindus and Muslims, I have been very carefully considering the matter. Having made such enquiries as were possible in the circumstances I have come to certain conclusions. Since these differ to some extent from those of the Mahatma in spite of our general agreement, it would, I think, be better if I write a separate report, particularly as I have emphasised certain reports of the case. It is no use my entering into details and giving elaborate reasons for my conclusions:—

1. As is well-known I have always refused to visit places where Hindus and Muslims have quarrelled or are quarrelling. In my opinion both the communities in such localities have forfeited the right of asking the help and co-operation of those who are determined to live at peace and with brotherly amity with each other. Each side wants not peace but supporters for its cause. Mischief-makers on both sides are out to drag others down to their own level.

2. Enquiries after the event led me nowhere. Cases are prepared carefully and our interference does no good. Each party puts all the blame on the other and will not accept any adverse judgment. In most cases the fault lies at the door of both and trying to weigh it or apportion it, besides being difficult—well-nigh impossible—serves no good purpose. In fact it further re-opens the question and both from the press and the platform the battle is fought over and over again.

3. This Kohat case—the only one in which I took part—has proved

to me clearly that my instinct has been right. From what I learnt from impartial Hindu and Muslim friends early, I came to the conclusion that this was not such a one-sided affair as it was made out to be by a section of the press. My closer acquaintance with facts and with people present at Kohat, has confirmed me in my former opinion. I cannot say anything about other places: but in Kohat, if the Mussalmans have to answer for much, the Hindus have also to answer for a good deal. The following facts deserve our attention:—

(a) The effect of bitter acrimonious communal feeling in the Punjab and the United Provinces had reached Kohat also and relations between Hindus and Muslims there were not as pleasant as before. In fact from all accounts the use of aggressive language was uncontrolled on both sides.

(b) The ignorant and less educated Khans in the Frontier Province have a high regard for their dignity and position and though ruined through their own follies and mistakes, keep up an empty show. The more clever and better educated Hindu commands a position now, thanks to his thrift and business capacity. He has amassed a fortune and at times shows it aggressively. The old relations between the two had been changing and the Government officials, although they were anxious not to allow the Hindus to grow in strength, were taking special advantage of the situation to further emasculate and weaken the Muslim gentry. It was they who were regarded as a danger to the Government in the Province and not the Hindus. It was the Muslim alone who started non-co-operation in Kohat and suffered for it. The real danger to the Province, however, is the official element itself and it is against this that both Hindus and Muslims have to protect themselves.

(c) When feelings were already bad, came this pamphlet with an abusive poem in it, insulting the Kalaba and the Holy Prophet (May God's peace be on him). This pamphlet was *specially printed* for Jiwandas, Secretary of the Kohat Sanatan Dharma Sabha. Its effect cannot be minimised on Muslim population, leave aside the Muslim population of a place like Kohat. In this connection I remember the resentment the Muslims in Calcutta and all over India felt over an article in the *Indian Daily News*. It was a letter from its correspondent in Paris in which he had mentioned that the Arab from Africa, who had been put to clean the drains in Paris during the war was looking at the Alth with the same affection and reverence as if it was the tomb of his prophet. The Mussalmans blazed forth in anger and a huge All-India protest meeting was organised in Calcutta. This was stopped by Government and the men coming to it in processions were fired at and many were killed and wounded. So I can well imagine the feelings of the Muslims of Kohat at the time. The news of such writing cannot be kept hidden and I cannot put the blame of this on Maulvi Ahmed Gul.

(d) The Hindus' case is complete and very carefully prepared. They have a large number of well educated men at Kohat including several barristers and pleaders. Besides, they had the advantage of the support and advice of many other very eminent and able men in the Hindu community. But the full Muslim case is not known. We had two sets of people before us—both non-co-operators at one time, but now in different camps—enimical to each other. There was no collusion possible between them, and they had the advice of no Mussalman from the outside. I am grateful these gentlemen came at my invitation. Like the other Government group—the so-called

putra Valley, we are dealing chiefly with the indigenous Assamese population, and those Hill tribes which come down into the valley for the opium drug. We shall discuss at length the problem of the effect of opium consumption upon the neighbouring tea-garden labourers and other immigrants; for it raises great and important issues. But the problem which will demand the main part of our attention will be the reduction of consumption among the agricultural Assamese villagers and the Hill tribes. The five districts which are chiefly affected are; Kamrup, Nowgong, Darrang, Sibsagar and Lakhimpur. Of these five districts, the average records, over a period of fifty years, show clearly that Kamrup is the least heavily infected; that Darrang comes next; and that Nowgong, Sibsagar and Lakhimpur are the worst.

Chapter III.—Opium Consumption in Assam.

The opium poppy was already known to the Greeks in the first century and then to the Arabs and Persians, from whom it came to India probably during the Moghal period. The royalty and the nobles of the court of Delhi indulged in this drug, as it was commonly believed to vitalise the system. The prevalence of the opium habit in certain parts of the north of India is probably due to the spread of the drug to the common people from the Moghal court.

During the latter part of the Seventeenth Century, when the Moghals came into contact with the kings of Assam, it is possible that they sometimes sent '*affing*' (opium) as a present to the Assam Royal Court, and that from about this time the habit first came to be known in Assam. This theory is based more upon common report than on any authentic document, because in the daily records of the Ahom kings called '*buranjis*,' no one has come across anything indicating the prevalence of the opium habit or even the receiving of such presents from the Court at Delhi. If the custom had been as common as now, or only slightly less, there would have certainly been some reference to opium, because these chronicles took care to describe the minutest details of the royal functions and the events of each day.

Naturally we look also into the Vaishnava literature of Assam, which is so rich in ancient documents, in order to find any reference in them to the opium habit among the people. But there, too, we fail to find any reference either to poppy cultivation or to opium addiction.

Though the omission in the chronicles and the Vaishnava literature cannot be conclusive as to the non-prevalence of the opium habit, yet it indicates fairly that the custom, if it existed at all, was certainly confined to the Royal Court and the nobles. That the Royal Court indulged in it at the end of the Eighteenth Century can be gathered conclusively from the Report of Captain Welch, in 1792, to Lord Cornwallis. He describes the king, Gaurinath Singha, as "a poor debilitated man, incapable of transacting business, always either washing or praying; and, whenever seen, intoxicated with opium." Again, in Captain Welch's Report we read further, that he required a 'few boat-loads of opium' for sale, because it was useful for the purchase of rice, etc., for the troops. But these references do not give us the exact date when opium was introduced into Assam. It can, however, be safely inferred from them that the habit was there before the British actually occupied the country.

The history of the poppy cultivation after this epoch is fairly well-known. It is said that when Gaurinath Singha failed to rule the country properly, the Moras and Moamaras, the two religious sects, rose in rebellion; the small chiefs at Bijn and Beltola wanted to carve out kingdoms for themselves from the effete kingdom of Assam. To effect this, Krishnanarayan, the son of the murdered king of Darrang,—one of the Koch chiefs,—brought some Barkandases, (mercenary soldiers) mainly Rajputs, from Northern India and Behar, who were more or less addicted to opium. These Barkandases, after creating a reign of terror in Kamrup, remained with the Koch kings at Beltola, four miles from Gauhati, where they grew the opium poppy for the first time in the history of Assam, during Lakshmi Singha's reign, about the year A. D. 1795.

In the petition of Moniram Dewan, on behalf of himself and others, incorporated in Mill's Report in the year 1853, the following passage is worth mentioning :—

“ In Lakshmi Singha Raja's days, poppy seeds were first introduced from Bengal and first cultivated at Beltollah ; but during his time opium was used only by a few respectable persons and not by the lower orders.”

As Moniram Dewan was undoubtedly one of the outstanding figures in Assam at that epoch and a man of remarkable knowledge and intelligence, it is not likely that he would have made this statement without accurate information, which he could easily have gathered from those who knew the facts.

Captain Butler also supports the same historical position. In his book called “ Travels and Adventures in Assam,” published in 1853, we find the following reference to opium :—

“ Opium, it is said, was first introduced into Assam in 1794, when our troops assisted the Rajah against the Mutooks.”

The above passages indicate that the cultivation of the poppy was practically unknown in Assam before it was introduced by the Rajput troops, who were brought into Assam either by the Koch chiefs or by the British.

Even at that time, the opium poppy was not so widely cultivated as in later years, as will be obvious from the following observations of Moniram Dewan in another petition :—

“ Cultivation of the opium poppy was put down with a very strong hand by the Borgohains and Buragohains of the Assam Administration.”

This suppression of poppy cultivation at the beginning of the Nineteenth Century was effected chiefly by a preventive tax of Rs. 12/- per poorah of land (i.e., 3 acres) under poppy cultivation. This amount, according to the present value of money, would be about sixty to a hundred rupees. The exceedingly high tax probably succeeded in keeping down the cultivation to a comparatively low level.

When finally the British came in 1826, after the Treaty of Yandabu, they turned their first attention to the establishment and consolidation of their power. From 1826 to 1860, they practically followed a policy of drift on the opium question. Their one care was to introduce their own opium for revenue purposes in order to undersell the indigenous product. Government opium was sold at Rs. 5/- per seer in 1835. The new Administration did nothing to check the opium habit or even the cultivation

of the opium poppy. It allowed the terrible evil to spread among the people, who had just come under their power after a century of feuds and internecine wars.

For nearly thirty years, this policy of drift continued. The new Government was quite prepared to obtain a portion of its revenue out of the vices of the people and to leave these evil habits undisturbed. This attitude of indifference continued until the publication of Mr. Moffat Mills' Report in 1853. Mills' Report on Assam was emphatic in its condemnation of the opium evil.

From 1853-1860, Mr. Moffat Mill's Report was discussed and canvassed, and at last action was taken. In 1860, Opium was made a Government monopoly in Assam, and it became a criminal offence to cultivate the opium poppy in the province.

Even in those remote days, Indian leaders of prominence denounced the indifferent attitude of the Government. At the same time they did not countenance the establishment of a Government opium monopoly. In his petition to the Government, in 1853, Moniram Dewan writes, 'The introduction of the Government opium into the province will have to be put a stop to and the people allowed to grow their own drug. But some method ought to be invented by the Mohamuntree Sahab (i.e., King's representative) for the eventual eradication of opium cultivation by a gradual reduction, at the rate of one in twenty per annum.' (Mills' Report.)

About the same time, Anandaram Dhekial Phookan wrote as follows :—
"An extensive introduction of opium, however, leads us to conclude, that the measure will be productive of other effects than the extirpation of the drug from the country." (Mills' Report.)

The introduction of the Government opium, and the effort to undersell the local product did indeed have consequences other than the extirpation of the evil. In answer to the argument for the monopoly, Anandaram Phookan replied, that by abolishing the production of opium in Assam itself, and by rendering it dearer, the use might indeed be rendered less universal. But he adds : "We would beg to submit that the people will never shrink from the use of the drug, as long as they continue to obtain supplies of it, and they would seldom consider themselves too poor to purchase it."

In spite of these protests the Government monopoly was at last introduced, and poppy cultivation was abolished at the same time, in 1860. But there was no earnest effort made, as Moniram Dewan had suggested, to eradicate the evil within any specified time. How great the evil had become can be easily gathered from some representative opinions of officials, then in the country, which we quote below :—

Dr. John Barry, the Civil Surgeon of Goalpara, wrote on the 7th May, 1853 :—

"The cultivation of poppy along with the Government sale of opium, is an unmitigated evil, a grievous curse to the people of this country. It is appalling to see fathers and children of a single family sunk in depravity and callous inaction; but when a community is thus incubused, a nation, indeed, politically, morally and socially benighted, we are bewildered and amazed that a mild and enlightened Government, such as ours, should have permitted such a state of things to be created, much less to exist, in any province for a single day."

Dr. John Maclean, Assistant Surgeon of Gauhati, writing on the 17th May, 1853, stated that the habit of taking opium was practised by men women and children, and in most instances to an excessive and injurious degree.

From these statements and others, we can infer that the evils connected with opium were thoroughly well known in Government circle, but in dealing with these evils the Government were determined not to surrender one of the most lucrative sources of revenue. Therefore in 1860, as we have related, the poppy cultivation by private individuals in Assam was suppressed, "as experience has shown that to allow every man to grow his plant and manufacture the drug unrestrictedly is injurious to the morals of the people. Opium they should have; but to get it they should be made to work for it." (Mills' Report). This means, in plain words, that the Government of Assam was determined to continue its opium revenue.

The year 1860 is an important one; for in that year the restriction took the shape of prohibition of private cultivation and manufacture. But the license for the retail vend of Government monopoly opium were granted, *free of charge*, to all respectable persons applying for them, thus making the Government opium as easily available as possible. In fact, we find, in 1873-74, there were as many as 5,137 opium shops in Assam. The number of villages in Assam Valley, according to the census of 1881 was 6776, and though the census figure of villages for 1872 is not forthcoming, we can take it for granted that the number of villages did not differ to any great extent from that of 1881. Thus there were nearly the same number of shops as there were villages. So the drug was made accessible in almost every village. Nearly one person in every village held a Government license. We must remember also that these opium shops licensed by Government were often nothing less than opium dens, because smoking was allowed to go on in these shops till March, 1892.

The Government, in 1874, introduced the system of *fixed license fee*. Under this system any person could open any number of shops he liked, when once he had paid the fee.

The Mahal system was introduced in 1877. Under this system the right to sell opium in a particular Mahal, (or revenue division) in Assam proper, was given to the purchaser of the license. He was allowed exclusively to sell opium at a definite number of places *within the Mahal*. The places of sale were movable within the area purchased under the license.

This Mahal system, however, did not work satisfactorily, as the authorities could not exercise sufficient control on the mahaldars for reasons inherent in the system. So the Government reverted to the old system of licensing individual shops in 1884. Meanwhile, the number of shops holding a license had been very considerably reduced. The Government sold licenses to the highest bidder, at a public auction, and thus brought in each year more and more revenue to the coffers of the State.

The raising of the price of opium was another cause of the rise of revenue year after year. The authorities continued to increase the price of opium till 31st March, 1921, when, through force of circumstances, which were brought about by the workers of the Non-cooperation Movement (as will be detailed in another chapter), the Government at last resorted to the rationing of shops and the vend-fee-per-see system, by which the shops

licensed were allowed only to sell a certain fixed quantity per month and at a certain fixed price per seer.

In addition to the method of high license and high price for opium sold, the general policy, from 1872 onward, was to reduce the facilities for obtaining the drug by decreasing the number of shops where opium could be obtained. But though the shops were reduced from 5,131 in 1873-74 to 306 in 1919-20, the consumption was very nearly the same after a lapse of 45 years, namely, 1856 maunds for 1873-74 and 1748 maunds for 1919-20, as the following table will show :—

Year.					Consumption in maunds.
1875-76	...	...	...	...	1871
1885-86	...	...	...	...	1446
1895-96	...	...	...	...	1877
1905-06	...	...	...	...	1415
1915-16	...	...	...	...	1860
1919-20	...	...	...	...	1748

The decrease in consumption after 1920 will come before us in a later chapter.

We learn from the Excise Reports that from 1881 to 1901 the slight variable decrease in consumption was due to the many disasters, by disease, famine and earthquake, which caused the decline in the indigenous population already noticed. As soon as prosperity returned, the consumption immediately began to rise. This fact is noticed in many of the Excise Reports from 1900 to 1921. When the year 1919-1920 had been reached, the consumption of opium was 17 per cent in excess of the consumption for 1885-86, although the indigenous population had increased by only 10 per cent. It was after 1920, when public interest was roused by the Non-co-operation Movement, that consumption rapidly declined. The history of this later period from 1920-1925 will be considered separately in the next chapter.

The following table gives the price of opium per seer in different periods from 1885 to 1924 :—

					Rs. 5 per seer.
1885	...	...	...	...	" 14 "
1890	...	...	...	...	" 22 "
1894	...	...	...	...	" 32 "
1898	...	...	...	...	" 37 "
1904	...	...	...	...	" 45 "
1914	...	...	...	...	" 65 "
1924	...	...	...	...	" 65 "

In spite of this steady rise in the price of opium, we have already seen that from 1881 to 1921 the consumption merely wavered, now going up and now going down according to the prosperity or adversity of the season. So neither the decrease in the number of shops, nor the raising of the price of opium, nor the change in the method of licensing, had any appreciable effect on the consumption of opium in the Assam villages and among the Hill tribes.

During the whole of the period, from 1881 to 1921, the Assam Government appears definitely to have accepted the official formula of the Government of India, repeated in Government documents, that the aim in view must always be, 'Maximum of revenue with minimum of consumption.' But the figures of revenue and consumption when put side by side will leave no room for doubt, that though the revenue was always rising, the consumption went on much as before.

The following table of figures will show the revenue and consumption side by side :—

Year.		Opium Revenue.	Opium consumption.
1875-76	...	Rs. 12,55,141	1874 Mounds.
		16,75,863	1446 "
1895-96	...	" "	1877 "
1905-06	...	" 19,55,706	1415 "
1915-16	...	" 30,53,925	1540 "
1919-20	...	" 23,57,125	1748 "
1920-21	...	" 44,12,508	1614 "

It will be seen at a glance from this illuminating table that nothing interfered with the steady rise of revenue from 1875 to 1920. The rise was quite consistent and the 12 lakhs of 1875 became 44 lakhs in 1920. These statistics form a remarkable vindication of Anandaram Dhekial Phookan's statement in 1853, that "the people will never shrink from the use of the drug so long as they continue to obtain supplies of it, and they would seldom consider themselves too poor to purchase it.

When we turn to the other side of the statistics and consider what efforts were made to ensure the minimum of consumption, we are met with a totally different state of things. Here only half-hearted efforts were made with insignificant results. Though Moniram Dewan in 1853 had pointed the way to rationing, and even proposed a diminution by one-twentieth per annum, his suggestion was never adopted. Even after April, 1921, when rationing at last began, it was only of shops and not of individuals. The Assamese people and the Hill tribes were able to get as much opium as they liked, so long as the shop ration remained unexhausted. Even the registration of opium addicts, which had been fairly successful among the neighbouring Burmese race, was strongly resisted by the Government of Assam. It is difficult to believe that revenue considerations had nothing to do with the refusal of the Administration for so long either to ration or to register. Both expedients had been tried in other countries and there was abundant evidence to show that they were likely to be successful in Assam. Yet as late as April, 1921, after the popular movement had been launched and the Reform Councils had been formed, we find the Assam Government refusing to accept the complete rationing and registration resolution of the Rev. J. Nicholas Roy which would have brought the Government opium monopoly in Assam to an end in ten years by reductions at the rate of ten per cent. per annum.

It is true that since that refusal of April, 1921, the Government has itself taken the initiative and begun at last to ration and to register. But how dilatory and half-hearted it still is, and how bent upon maximum revenue, may be seen from the revenue figure of 1923-24 which is over 36 lakhs of rupees, or 300 per cent. higher than the revenue of 1875-76. A slight indication may also be given by the statement of one of our village witnesses on May 6th, 1925, in a village near Tinsukia. He had not yet been either registered or rationed, and he had been able to purchase during the month of April that year 28 rupees worth of opium for himself and for his wife. The maximum of Government revenue was exacted in the case of such a miserable villager; but where was any attempt to reduce consumption?

It has become evident to us in the course of our enquiry that while the 'maximum of revenue' has always loomed large in the eyes of

'Government officers, the minimum of consumption' has been dealt with only half-heartedly. The authorities have congratulated themselves when there was an increase in the opium revenue attributing it to the prosperity of the people. The weight of revenue considerations has continually over-balanced moral and humanitarian considerations.

Yet, while stating thus clearly our deduction from the evidence of the past, we would gladly recognise that the increasing weight and pressure of public opinion has been having its wholesome effect upon Government itself in the years that have succeeded the Non-co-operation Movement. The utterances of responsible Government officials in the Legislative Council to-day differ very much indeed from those that were made only a few years ago. The feeble attempt at rationing and registration which began in April, 1921, has been extended and increased. Yet even in recent years the ration for all the licensed shops, offered by the Government of Assam to the opium salesmen, has always proved at the end of the year to be much in excess of the actual amount consumed, thus showing that the Government authorities are still lagging behind public opinion in this matter. What is therefore needed at the present time is not so much the recognition of the principle of rationing and registration, but rather an immediate quickening of the pace and a definite time limit for the introduction of complete prohibition.

Chapter IV.—The Non-Co-Operation Movement.

It was in the year 1920 that India saw the great movement of non-violent Non-co-operation under the leadership of Mahatma Gandhi.

Sjt. N. C. Bordoloi, who had gone at an earlier date to England in order to plead for the grant of Reforms to Assam, attended the special sitting of the Indian National Congress in September, 1920, under the presidency of Lala Lajpat Rai, with a band of young men from Assam and there opposed the Non-co-operation Resolution as put forth by Mahatma Gandhi. However, on their return, a special sitting of the Assam Association, which was then the only effective political organisation in the province, was held, and the Non-Co-operation programme was fully adopted with the reservation that schools and colleges in Assam should not be boycotted. After that, Sjt. N. C. Bordoloi and others began to work at Gauhati in right earnest, and gradually Congress Committees were formed throughout the province.

In June, 1921, prominent leaders of Assam went to attend the Bombay session of the All-India Congress Committee and requested Mahatma Gandhi to visit Assam and see things with his own eyes. In compliance with this request, Mahatma Gandhi visited Assam early in August, 1921, and delivered his message. It was a message of hope and love,—hope for those who had been slaves to the drug habit, and love for the depressed and down-trodden. Fired with enthusiasm, hundreds of young men took up the temperance work and preached against opium, ganja, and other drug habits.

Till November, 1921, they carried on their work of temperance reform without any great hindrance from the Government except that they were watched by the police wherever they went, and the officials did their best to counteract their efforts by organising anti-non-co-operation leagues, like the Aman Sabhas elsewhere. Some Government supporters tried to be-

little Mahatmaji himself. But, in spite of these hindrances, the work of temperance was carried on steadily, peacefully, and with great enterprise and success.

Every Sub-division had its District Congress Committee. Under this Committee there were different Local Congress Committees. The workers of these Committees bore the brunt of the struggle and suffered most during the latter part of the year 1921, when the persecution began.

These workers preached temperance in the villages, held meetings all over the province, and took advantage of the social and religious gatherings where they carried the message of prohibition which Mahatmaji had preached during his visit. Adhering strictly to the principle of non-violence, they stood outside the excise opium shops and implored the village people not to buy the drug.

After the visit of Mahatmaji to Assam in the month of August, 1921, the temperance workers, as we have related, received an additional impetus. They worked heart and soul, in spite of the repressive acts of the police and others in some places. The masses of people in the villages heard with gladness and devotion the words of Mahatmaji, and khaddar-clad persons became known as 'Gandhi-men.' Throughout the length and breadth of the country the workers were received on this account with deep respect.

The result of their strenuous work was that in 1921-22 the consumption of opium dropped from 1614 maunds to 1013 maunds, a reduction of 601 maunds within 12 months. Other intoxicants were reduced in the same proportion. The Government became nervous, lest there might be a further fall and a permanent reduction in the excise revenue.

Ganja dropped from 632 maunds 29 seers in 1920-21 to 452 maunds 18 seers in 1921-22, a fall of 180 maunds 11 seers, and in 1923-24 it stood at 344 maunds which is 45·7 per cent. less than in 1920-21.

The consumption of country liquor in 1920-21 was 304,572 L. P. Gallons which fell to 154,349 L. P. Gallons in 1921-22, or a reduction of 49·9 per cent., but it rose to 191,421 L. P. Gallons in 1923-24. The consumers of country liquor were mostly tea-garden labourers, who come from outside the province from other parts of India. There is a certain amount of difficulty in having access to the labourers and this is highly detrimental to all temperance work. All the same, the reduction showed a consumption 37 per cent. less than that of 1920-21. The following table is given for easy comparison :—

		1920-21	1923-24
Opium	---	1,624 Mds.	984 Mds.
Ganja	---	632 "	344 "
Country liquor		304,572 L. P. Gallons.	191,421 L. P. Gallons.

The Criminal Law Amendment Act was promulgated in Assam on the 21st of November, 1921, which practically made picketting illegal. As many as 1,100 workers out of the comparatively small Assamese population were shut up in the different prisons. Amongst these were lawyers, tea-planters, graduates, college students and young patriotic men from the villages. The last mentioned were the chief sufferers in these Government acts of repression. The prominent workers were shut up in the

jails either for disseminating seditious matters or for being members of unlawful assemblies. In spite of this, enthusiasm continued among the Assamese people and there was a continuous decline in the consumption of opium and ganja.

The argument of the Government was then, as it is now, that the object of the Non-co-operators was not temperance reform, but simply the embarrassment of the Government. The authorities surmised that the attempt was being made to decrease the revenue. But the object of the Non-co-operators was not aimed at the revenue directly; it was a movement of genuine temperance reform among the people. They sought to purify their own countrymen from their vicious drug habits, especially opium, from which they saw their country suffering so terribly. This scourge they wanted to get rid of. The resultant effect of their efforts was indeed to reduce Government revenue and indirectly to embarrass the Government; but the Government is to blame for entangling itself so much with Excise Revenue.

We asked some of our witnesses concerning this point. They were mainly those who disagreed with the political views of Non-co-operators, and almost all of them had good words for the workers of the Non-co-operation Movement in their temperance activities. They declared that Government itself was seriously in the wrong from relying upon its Excise Revenue.

We have instances of testimony to the good effects of the temperance movement such as the following:—

“When we succeeded in eradicating the evil habit of the opium consumers, their relatives and parents used to shower blessings on us with all their hearts and even the addicts used to thank us for the task we had undertaken.”

This testimony to the good intentions and good effects of the non-co-operation workers has been general among those whom we have examined. In village after village, where the opium consumption has decreased, we were told that the reform began owing to the temperance workers in 1921. We were ourselves surprised, in the course of our journeys, to find how far the popular movement had penetrated into the very depths of the country. In the remotest places, when we asked the people how they had been taught to abandon their opium habits, they informed us that Mahatma Gandhi's men had come to them and told them. Practically the whole of the Assamese population was reached for the first time by the message that the consumption of opium was an evil which ought to be abandoned.

The question has often been raised how far the influence of the Non-co-operation Movement has continued. We found no signs of any serious setback to the prohibition campaign in more recent years. Rather, we regard it as certain that among the educated at least the anti-opium sentiment has grown in intensity and depth since Mahatma Gandhi's visit. Among the villagers, it is true, the enthusiasm has in a measure subsided and a further effort is needed to carry through the work that has already been begun. But in making this further effort it is probable that the workers will no longer have to meet with the hostility of the Government which they faced with courage in 1921. It may even be hoped that the Government itself at last will recognise the growing force of public opinion and take steps to comply with it.

Chapter V.—Tea Gardens and Hill Tribes.

We shall, in this chapter, examine first of all how far the opium habit has spread amongst the ex-tea-garden labourers. The tea-garden labourers generally are a conservative people who change their habit very slowly, but once they do so it is difficult to turn them away from the new habit formed and it will be the work of a generation to get rid of such a habit if it once takes root.

Some witnesses before us told us that the habit is growing amongst the ex-tea-garden and tea-garden labourers, especially in the Sub-divisions of Dibrugarh and North Lakhimpur. We ourselves examined some labourers of tea-gardens who took opium. In the North Lakhimpur Sub-division about 30 per cent of the opium consumers are said to be tea-garden and ex-tea-garden labourers. They form the habit by coming into contact with their Assamese neighbours. Our evidence is not sufficient to speak positively, but there are signs in certain parts of the Assam Valley that the habit is actually growing among them. We are further confirmed by the Excise Reports of the Province, some extracts from which we quote below :—

"For several years past opium shops have been situated on some of the tea-gardens in the Assam Valley Districts. As there was reason to believe that the imported coolies of one or two gardens were acquiring the opium habit, special enquiries were instituted in the districts of Lakhimpur, Sibsaigar and Nowgong as being those most affected."*

We find in the Excise Report for 1912-13, page 6 that 'In this district (Lakhimpur) and more especially in the North Lakhimpur Sub-division, it is reported that coolies in some gardens are unfortunately taking to opium.†

Again we read :—"The increase in Kamrup is attributed partly to the spread of the habit among the ex-garden coolies and partly to other causes."**

In 1920-21 we find the Sub-divisional Officer of North Lakhimpur writing that the garden coolies were becoming addicted to it and managers of tea-gardens were taking vigorous steps to check the opium habit.‡

These extracts which might be multiplied clearly show that these most conservative people tend to break their old habits and take to a new vice which they find common among the Assamese in the midst of whom they live. It becomes a serious question, therefore, how far the Government of Assam is justified in encouraging the recruiting of fresh immigrants on the one hand and allowing them to become infected with the opium poison on the other.

The following quotations from the Botham Committee Report throw some light on the consumption of opium by the tea-garden labourers, though they depict only a side-view of the situation :—

"Two hundred and one managers were good enough to send replies to the series of questions which the Committee circulated. Eighty-three of them report that consumption is on the increase in the case of ganja and 53 in the case of opium.

"The number of managers who report that 5 per cent. or more of their labour force are opium consumers is only 24, and half of these consider

* Excise Report, page 15, 1906-07.

† Assam Excise Report for 1916-17, page 7, *vide* Appendix XVIII.

** Assam Excise Report for 1917-18, page 8, *vide* Appendix XVIII.

‡ do, 1919-20, do, do, XVIII.

that none of the consumers are injuriously affected by the drug. On most gardens, therefore, the opium question is not a serious one, but there are a few notable exceptions. The worst is apparently the Dejoo garden in North Lakhimpur, where Mr. Story, the manager, reports that among the coolies who have been more than two or three years on the garden, about 98 per cent. of the adults and a number of the children take the drug. The garden has in former days been particularly subject to dysentery and cholera and Mr. Story attributes the large extent of the vice to opium having been distributed years ago as a remedy. It is, however, not uncommon for certain unhealthy garden to acquire the opium habit becoming imbued with the Assamese belief in the medicinal virtues of the drug. Another garden in which large opium consumption and unhealthiness go hand in hand is the Namsang division of the Jaipur Tea Company. The manager says, "The garden is on the Government 'black-list' for sickness and I put down the whole cause to opium."

Our Enquiry Committee has considered it necessary also to examine as far as possible how far the habit has spread among the hardy and virile races of the Hills of Assam.

In the district of Lakhimpur we find the Abora, Miris, Mishmis, Khamtis, Singphos, and Daffas inhabiting the border lands of the frontiers of Assam. The first four tribes live in the Sadiya Frontier Tract and beyond them. The index of consumption for the Sadiya Frontier Tract is as high as 237,029 seers for each 10,000 population which is the highest on record in India.

"The opium habit is excessive among the Turaon and Miju Mishmis; and Miris, Khamtis and Singphos are saturated."*

It is said that the habit is being checked among the Abora, but we have not sufficient evidence to confirm this.

The Daffas mainly inhabit the borders of the Districts of Lakhimpur and Darrang and the opium habit is prevalent amongst them.

The Mikirs inhabit the Districts of Nowgong, Kamrup and Sibsagar, and their number is 1,18,629. So far back as 1892, Mr. Driberg in giving evidence before the Royal Commission said that as many as 80 per cent. of these people were addicted to the opium habit,† by which he evidently meant 80 per cent. of the adult population. We examined some Mikirs in Nowgong, and also some witnesses in Nowgong and Gauhati who have dealings with the Mikirs and have them as tenants. Their evidence only strengthens the view we have taken. This view gets corroboration in the Excise Reports of 1907 to 1911 and 1919-20. The Mikirs are producers of lac, and whenever there is a good trade in this product, the consumption of opium increases.

Miris (in the plains).—The number of Miris in the plains is 65,289. They mainly inhabit the banks of the Brahmaputra and other rivers and streams of the Assam Valley up to the Darrang District. We have already mentioned about their fellow tribesmen in the Hills, but those living in the plains are much addicted to the habit and the evidence of Miri witnesses goes to show that they are worse than their Assamese neighbours.

Khasis.—The number of the Khasi population is 1,24,053. The prosperous condition of the raiyats is reflected in the increased receipts from

* Assam Excise Report, 1919-20, page 6.

† Vide Driberg's evidence before Royal Commission, page 275.

opium,"—so says the Excise Report of 1907-08. This is specially true with regard to Mikirs and other aboriginal tribes of the Nowgong and Khasi Hills Districts. There is clear indication that the tribes in the Khasi Hills are getting the addiction more and more. On a special enquiry being made in 1910 into the matter by the Deputy Commissioner of the Khasi Hills, it was found that comparing the increased sale with the more or less stationary population, opium eating and smoking were seriously on the increase among the inhabitants of these Hills. The evidence of a prominent Khasi gentleman, the Rev. J. Nicholas Roy, also points to the same view.

This initiation of the Khasis into the opium habit is of recent origin. We read the following in the report of W. J. Allen, Esq., Member, Board of Revenue, on deputation, to A. R. Young, Esq., Secretary to the Government of Bengal, dated Cherrapunjee, the 14th October, 1858 :—

"I found that for the last eight or ten years, it has been the practice to grant a license for the retail vend of opium at this station exclusively to the person who contracted to supply the ration for the Jails. The license seems to have been given with the view of indemnifying the Contractor, by the profit of selling opium, for any loss that he might sustain in supplying the ration. I directed the Principal Assistant Commissioner to discontinue this irregular practice, and to grant opium licenses in conformity with the Circular orders of the Board of Revenue.

"No opium is sold at the office of the Principal Assistant Commissioner. The licensed dealer procures whatever opium he requires from the Syllhet Collectorate at the price current in that station. There is, in fact, very little demand for the drug in this district. The Cooryals (Khasis) do not use it; the only purchasers seem to be the up-country and Assamese sepoye of the Battalion, and the servants of the European residents at the station. Only one opium license has been taken out during the year." Again, in W. W. Hunter's Statistical Account of Assam, Vol. II, page 243, we read as follows :—

"In 1876-77 there were in all 18 licenses in force—4 for imported spirituous and fermented liquor, 1 each for madak and chandu, 3 for ganja and 10 for opium. The Khasias and Syntenge are not addicted to the use of intoxicating drugs, which use is confined to the people from the plains residing in British Territory."

In spite of this earlier evidence it now appears certain, as we have said, that opium addiction has spread among the Khasias with serious results. In the year 1910-11, for instance, the Excise Commissioner reported an increase in consumption of 8½ maunds. Another increase of 5 maunds is reported in the year 1913-14. In subsequent years, consumption wavered, but there was no decided and definite check until rationing was introduced early in 1921.

Nagas.—The population of the Nagas is 2,20,619. They inhabit the Naga Hills and the borders of the Lakhimpur and Sibsagar Districts. While the figures given by Government about the opium sold in the Naga Hills are themselves conflicting, one thing becomes quite certain that the consumption has been increasing.

Kacharis.—The Kacharis mainly inhabit the Districts of Goalpara, Kamrup and Darrang. They also live in the Districts of Sibsagar, Nowgong and Lakhimpur. They are a hardy well-built race, but opium is under-

mining their constitution. We read in the Excise Report of 1908-09 that the opium habit among them prevails to a regrettable extent.

We find from the above that the opium habit is spreading amongst the Hill tribes. The worst sufferers are the Mikirs and Kacharis and the tribes inhabiting the Sadiya Frontier Tracts. There is also a serious danger of the opium habit spreading among the Khasis round Shillong.

Chapter VI.—Opium Smoking.

Opium is taken in Assam in two forms: (1) that of eating, (2) that of smoking. In the Assamese language these are called '*kanikhowa*' and '*kanipankhowa*' respectively.

When opium is eaten in small pillsules, or made into a decoction by mixing it with water, the process is known as '*kanikhowa*' or '*kanimolikhowa*'. When it is smoked, after mixing the opium decoction with dried betel-leaves, the process is known as '*kanipankhowa*'. The following is a description of the process by which opium is prepared for smoking.

A quantity of opium is taken according to the requirements of the smokers. It is put on a ladle, or spoon, called a *keta*, along with some water, and then heated for some time, so that the decoction may be of the required consistency. The impurities are taken out of decoction by removing them with cotton wool. This process requires about twenty to thirty minutes. After pouring out the decoction from the '*keta*' into a small pan, it is cleaned and washed and kept separately.

Then again the same decoction is heated for some 30 minutes, until it is converted into a sticky paste. This is kept carefully aside.

Some betel leaves are cut into fine pieces and dried on broken pieces of an iron pan, called "*keraki*", until all are dried to the required degree. This process takes about 15 to 20 minutes. Then the opium decoction and the fried betel-leaves are mixed up together and heated, until the leaves show a greenish brown tint, when it is ready.

Very small quantities of this preparation are taken at a time for smoking. They are put on a bamboo pipe called "*Hoka*" (*hookah*) which is made up of one wider piece of bamboo and one much narrower piece stuck into the broader piece in the shape of the letter V with one arm prolonged downwards. The narrower piece is much the shorter and into this the prepared opium is placed for smoking: the mouth of the smoker is put to the top of the broader piece.

As soon as one part of the mixture is smoked through another is put in, and so the process goes in through the night until the consumers have smoked to the required depth of intoxication. After each pull at the '*hoka*,' sweet things are taken, such as plantains, sugarcane, or sweet tea, possibly to get rid of the bitter taste. Some say that it is to get the smoke into the stomach.

This process of smoking is very alluring to young men, who ask to be allowed to take their pull. There was evidence given to us that addiction began in this manner.

Opium smoking is a common practice in Assam. It can even be said that most of the new addicts begin their habit by smoking, though it is not possible to ascertain the exact number. We naturally have no figures to show the proportion of opium which is consumed for smoking and for eating, because no record is taken. Yet it might roughly be estimated that

the figures for smoking and eating are normally about one-third to two-thirds respectively. In one place we found that the proportion of smokers to eaters was that of 8 to 22, which would roughly bear out the figures we have suggested.

The number of opium smokers has always formed a considerable portion of the indigenous Assamese population. The younger section of the community gradually gets into the habit of opium smoking, which ultimately leads to addiction. The reason why opium eating is more common, at later stage, is probably because the preparation of opium for smoking takes a considerable time and therefore opium eating is more convenient.

Since the writing of this Report, the Government of Assam, in response to repeated questions in the Assam Legislative Council, has at last allowed the Report of the Botham Committee to be made public and a copy has been received by the Chairman of our Enquiry Committee. The statements contained in this Report with regard to opium smoking in Assam bear out the conclusions already arrived at by the members of our Committee. As the subject is of very great importance and misleading accounts were given by Mr. John Campbell at Geneva it has been considered advisable to re-print in the body of our Report some paragraphs from the Botham Committee Report itself as follows :—

Amongst those who take opium for pleasure only, and not as a remedy for certain specific diseases, consumption in the form of smoking is almost universal to this extent, that almost all smoke in the first instance and only take to other forms of consumption after they become confirmed opium-takers and find that they cannot afford the time or the money required for smoking. On this point the evidence is unanimous and conclusive. It is more difficult to get an accurate estimate of the relative proportions at any one time of those who smoke and those who consume in other ways. This depends largely on the general prosperity of the consuming classes. When times are good and money easy to obtain, smokers do not feel the pinch so soon as when times are bad, and the stage at which smoking has to be given up and the less expensive form of consuming the drug substituted is postponed. Similarly, the poorer classes have to give up smoking sooner than those who are fairly well-to-do. Probably over the five districts one half would be a moderate estimate of the proportion of those now smoking to the total number of consumers. Many witnesses place the proportion of smoking as much larger, but it is likely that their estimate is exaggerated partly because the evils of smoking bulk large in their view, and partly because they are apt to confuse the number of those who have been smokers with the number of those who are at the present time smokers. From the report of managers it appears that the proportion of smokers to opium-eaters is much the same on tea gardens as amongst the indigenous population.

"It is to be noted that the form of opium smoking everywhere prevalent in Assam is that known in other parts of India as "madak." The opium is boiled down with a little water to the consistency of a paste and then mixed with the shredded and fried leaves of betel, or less commonly, guava or other plants. The form known as "chandu" does not exist in Assam. Opium smoking is generally looked upon with more disapproval than opium eating, partly because it is considered to be more injurious, and partly because it is far more expensive both in time and money. The process of preparation is a long one, and the actual smoking naturally takes

longer than swallowing a mixture of opium and water, and the consequence is that the working day of the opium-eater is very contracted. The difference in expense between the two forms of consumption is shown in the statement of witness number 197 (no doubt an extreme case), who required three-fourth of a tola daily as a smoker, and is now content with eating one sixteenth of a tola daily.

"Opium smoking has undoubtedly increased very largely in Assam since the prohibition of poppy cultivation in 1860. Witness No. 231—a "Dewan" of the Assam Company whose memory goes back to that time and who is a reliable witness,—says that only about five per cent. of the consumers at that time were smokers. Probably the form in which opium was then commonly manufactured was not convenient for this form of consumption. The habit is not increasing—as compared with opium eating—now, because it has already reached the maximum and practically every consumer smokes if he can afford to do so.

"The habit is very commonly practised in company. There is nothing of the nature of regular "Opium dens", but smokers frequently meet in the house of one or other of their number, and smoke together. There is a good deal of evidence that these smoking parties are looked on with disfavour. One reason is that at such meetings young men commonly acquire the opium habit; and another is that these parties of smokers are not infrequently suspected of being responsible for organizing petty thefts in the village in order to get the means of indulging in the luxury. The habit is increasingly common at such social gatherings as marriages and funerals, at which fashion required opium to be distributed for the use of opium consumers. Of recent years also a ceremony purporting to be of a semi-religious nature—the 'Kania Seba'—has been introduced among the more ignorant classes at which opium consumers are assembled and opium distributed with the object of averting sickness or other impending trouble. The distribution and consumption of opium is also common at 'Namgoa' or religious services. The semi-religious uses of the drug appear to be purely the invention of interested opium consumers, and have no authority in the Sastras. They are reprobated even when acquiesced in by the better classes and they undoubtedly set a bad example to the young and tend to spread the opium habit".

The paragraphs which we have quoted from the Botham Committee's Report appear to us to agree with the evidence which we ourselves have gathered. It will be noticed that while we had estimated the proportion of opium smokers to opium eaters in Assam as one third, the Botham Committee is inclined to estimate it at one half. Our evidence corroborated two important points in their findings:—

- (1) Almost all opium addicts among the village population began Opium habits by smoking rather than by eating.
- (2) The reason that the opium smoking habit is so often abandoned later is because of the inconvenience of the preparation and the difficulty of the smoking process compared with that of eating.

Chapter VII.—The Government Contention.

(i) One of the Government contentions is that if reduction is carried beyond a certain limit the opium consumers will turn from this drug to ganja.

We recognise that from an *a priori* point of view this might have been thought not unlikely to occur, and there are indications of such a danger, in the past, in the Kamrup district. But when we come to examine the more recent figures we find that this has not happened since the Non-co-operation Movement began. Let us take the figures for the years 1919-24. In 1919-20, opium consumption was at its highest point since 1877, with 1748 maunds, and the consumption of ganja was 665 maunds for that year. After that date on both sides there has been a steady decline. We give below a comparative table for consumption of opium and ganja from 1919-20 to 1923-24—

			OPIUM.	GANJA.
Year.			Maunds.	Maunds.
1919-20	...	...	1,748	665
1920-21	...	...	1,614	632
1921-22	...	...	1,013	452
1922-23	...	...	965	389
1923-24	...	...	884	344

From the above table we find that the consumption of opium and that of ganja have been going down together, and there has been no rise in the consumption of ganja as feared by the Government. It may be added that the decrease has been chiefly due to the temperance workers and the effectiveness of their work.

In 1923, there was an increase of 16 maunds 17 seers in consumption in the Assam Valley, but this has been satisfactorily explained by different Districts Officers as due to reasons other than that of opium consumers turning from opium to ganja. (Vide Assam Excise Report for 1923-24, page 5.)

(ii) Another Government contention is that any further reduction in consumption and rationing of shops is certain to lead to smuggling of opium. Let us examine the classified statements of the more important offences under the Opium Laws from 1917-18 to 1923-24, and see if there has been any increase of the offences under different heads. This will give us a clearer indication than any thing else. A table is given below :—

Year.	Unlicensed sales of Opium.	Illicit possession of Excise Opium.	Total Consumption of Opium.
Year.	Mds.	Mds.	Mds.
1917-18	39	77	1,515
1918-19	53	69	1,574
1919-20	38	82	1,748
1920-21	21	57	1,614
1921-22	7	24	1,013
1922-23	6	23	965
1923-24	9	29	824

First, let us examine the figure for the unlicensed sale of opium. It came down almost abruptly from 38 in 1919-20 to 9 in 1923-24. Let us take the next item, 'Illicit possession of Excise Opium.' This offence is very common, but all the same it was reduced from 82 to 29. From 1920-21 to 1923-24 in spite of the decrease in consumption, there was a marked decrease of offences, which clearly goes against the Government contention that more opium will be smuggled into the country if there be a rapid

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reduction in the rationing or consumption of opium. The total number of offences against the Opium Laws is given below :—

Year.	Offences.	Year.	Offences.
1914-15	86	1919-20	128
1915-16	85	1920-21	77
1916-17	181	1921-22	50
1917-18	137	1922-23	50
1918-19	111	1923-24	49

The illicit poppy cultivation in 1921-22 had been, it is said, 'started at the instigation of the Non-co-operators, who gave out that under the new regime there would be no restriction on such cultivation.' The Non-co-operators hardly made any defence on such a charge because it was so utterly ridiculous. The object of the whole movement was to make the people abstain from drugs and liquors; and the figures for consumption of excisable drugs from 1921 onward will clearly bear this out. There is no reason of any kind whatever why the Non-co-operators should have sought to encourage illicit poppy cultivation. On the contrary, the rousing of the public against the opium habit directly led to the detection and suppression of illicit poppy cultivation, since it was no longer possible to conceal it against public opinion of the neighbours.

The real danger to the country District of Assam is not so much from internal cultivation of poppy as from the smuggling of opium into the country from outside, especially the Malwa Opium which is brought in by the traders and merchants. We would submit, however, that from the evidence which we received, including that of Excise officials, the prevention of smuggled opium is most of all a question of further expenditure of the opium revenue on the work of detection. If it were once decided by the Government that a greater portion of the revenue obtained by the opium monopoly would be used directly for the purpose of preventing opium smuggling and decreasing the opium vice, instead of being used as ordinary revenue, we should soon see the end of smuggling on an extended scale.

(iii) It has been contended by the Government that as there was a sudden drop in 1921-22, it is likely that there may be a reaction later on.

We shall take a few outstanding facts which will go to show that there is no cause for fear of such a reaction. The decrease from 1748 maunds to 1614 maunds and then to 1013, 965 and 884 maunds clearly indicates that the decrease is taking its normal turn, and will go on if a firm and sympathetic attitude is adopted. The public is only apprehensive lest there be any undue concession to the wishes of the opium eaters, who necessarily are likely to clamour for more opium if it can be had. The fact appears to be proved, that, while with an apathetic public opinion the danger of a reaction may be feared, on the other hand, when public opinion is awake and active, then thorough and permanent reforms may be carried through without any retrogression.

We feel very strongly indeed that nothing will be done whole-heartedly in the way of opium reduction until the intimate connexion between the income derived from the sale of opium and the general Revenue of the Province is finally and completely severed. This, we would submit, can only be done if the money derived by Government from the sale of opium is used directly in putting an end to the opium traffic.

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We give below the actual present condition of affairs in a statistical form, for the years 1921-22, 1922-23 and 1923-24 respectively :—

Year.	Total Revenue.	Excise Revenue.	Opium Revenue.	Transferred Departments.	Education Expenditure.
	Rs.	Rs.	Rs.	Rs.	Rs.
1921-22 ...	2,43,33,000	61,57,746	38,19,710	57,57,000	22,91,918
1922-23 ...	2,18,88,000	56,81,294	34,94,585	55,36,000	22,63,000
1923-24 ...	2,35,65,000	63,34,774	37,13,841	53,11,000	22,47,000

It is clear from this statement that the expenditure on the Transferred Departments is a little less than the total Excise Revenue of the province.

A further table may be given showing the percentage of the Excise Revenue to the total revenue for different typical Provinces in 1920-21 and 1923-24.

	1920-21.	1923-24.
Bengal ...	22-6	20-6
Madras ...	27-6	39-8
Bombay ...	39-8	28-7
Behar and Orissa ...	26-7	34-7
United Provinces ...	15-7	13-7
Punjab ...	10-8	11-4
...	39-8	28-7

It is evident from these statements that the percentage of Excise Revenue to total revenue in 1920-21 was the highest in Assam and Bombay Presidency. In the Bombay Presidency this high figure is probably due to the excessive drinking among the mill-hands. While it is satisfactory that the very high proportion of revenue derived from Excise has been diminished in Assam, yet the present figure of 28·7 per cent. cannot be regarded as a healthy sign of sound provincial economy.

We have asked our witnesses, whether they are prepared to forego any benefit derived from the Excise Revenue, and whether they would suggest any means to compensate for the loss of the opium income. Their unanimous opinion is that they are prepared to forego any benefits derived from the opium revenue, if only they are able to get rid of the opium evil. Indeed they go still further to the length of suggesting some other form of taxation, such as a small tax on tea.

We refrain from making any suggestion, whether, in these circumstances, either fresh taxation, or retrenchment, or both, would be desirable to make up the loss of revenue in consequence of the abolition of the opium traffic, as this is not within our terms of reference. Furthermore, we believe that any suggestions or recommendations of this nature belong more to the province of politics than to temperance reform. But we can say this much, that the loss of revenue would undoubtedly, in a few years time, be more than compensated by the greater industrious activity of the consumers after giving up the deleterious drug of opium.

(iv) Lastly we find it repeatedly stated in the Government defence of its own opium policy, that the people require opium in order to protect themselves from the diseases which are prevalent in a very damp and malarial climate like Assam, and that to deprive the Assamese people in remote villages of their unrestricted use of opium would be to subject them to great hardship and even to danger of fatal illness. This argument was

brought forward by Mr. Cochrane in the Legislative Assembly, and also by Mr. Clayton at the Geneva Conference, on behalf of the Government of India's position. It was also strongly affirmed that such interference with the liberties of the people would be resented by the Indian villagers themselves.

In answer to this contention, it may be stated that there is no desire on the part of the reformers to prevent the use of opium under medical prescription; for its medicinal use is regarded as entirely legitimate, and when prohibition comes into force every thing should be done to allow for that medicinal use being carried out even in remote villages. But it may be pointed out at the same time that in the whole of the medical evidence given by our witnesses, among whom were many doctors with a life-long experience of Assam conditions, there was not one who advocated the free use of opium by illiterate villagers as a cure for the diseases prevalent in Assam. On the contrary, they pointed out to us that opium addiction among the Assamese villagers reduced the power of resistance and rendered severe attacks of infectious diseases, such as kala-azar and cholera, more liable to end fatally.

It is impossible for us to enter at length into the whole medical question, but it will be sufficient for our present purpose to say, that this Government contention now carries no weight, either with the educated people of Assam, or with the bulk of the village population. Whatever may have been the opinion in the past concerning the use of opium to ward off ague or cholera, public sentiment is strongly against its unrestricted use to-day. The immigrant populations, which enter Assam, are recognised as remaining more healthy than the indigenous population only so long as they refrain from the opium drug. When they become addicted to opium, then they too sink in the scale. At the time when the Assamese race itself had not become subject to the opium habit, it was strong and vigorous. To-day it is debilitated and outworn owing chiefly to opium addiction.

The proof of this experience has finally convinced the Assamese people that the opium habit is bad and that if continued it will be the ruin of their race. Therefore, the Government contention that the village people would strongly object to the restriction of the use of the drug and might even cause disturbance, if opium were further reduced, is regarded by us as groundless. The general evidence that we received went to confirm this opinion and to show that restriction of opium consumption would not be resented by the villagers, but on the contrary be welcomed.

Chapter VIII.—The Treatment of Addicts.

Of the 325 witnesses examined, only 71 witnesses were afraid of the temporary hardship that would ensue if consumption were restricted to medical and scientific needs. The rest do not apprehend any hardship. Those who are apprehensive of hardship, however, admit that it is no injustice for opium-eaters to be deprived of the opportunity to do themselves harm and to be thus cured of their disease themselves and prevented from infecting others. There are three points to be practically considered with regard to the final extinction of the opium habit among the consumers: (1) How to make provision for a reasonable warning to be given to the opium eaters below a certain age. (2) How confirmed addicts above a certain age should be treated. (3) How the Government may adjust itself to the new situation of reduction in opium revenue.

Among 17 of the 71 witnesses who, not being themselves addicts, specially feared the consequences to the opium eaters themselves, if the prohibition of opium sales were adopted immediately as a Government policy, there is a difference of opinion. Two witnesses are of the opinion that opium eaters, above the age of 50 years, should be allowed to have opium under strict medical supervision, and below that age all rations should be immediately stopped. Three witnesses are in favour of immediately restricting opium to people below 40 years of age, and above that age it should be allowed under strict medical test. Two witnesses again are in favour of prohibition within three years, two in favour of prohibition within ten years, one in favour of restricting opium below thirty years of age. The other fifty-four witnesses, who were apprehensive of hardship, are themselves opium eaters. But at the same time they unanimously hold the view, that the opium traffic, as it exists to-day, should be immediately prohibited, so that their children might not take to it. Ten of them suggested that they are prepared to suffer the hardship of immediate deprivation, if total prohibition would save the coming generation from the drug. When questioned as to what made them continue it, their obvious reply was :—" As it is easily available, we cannot refrain from getting it."

The great majority of our witnesses point to the fact that in most cases there is no very great hardship, except a temporary one, in breaking through the addiction, and they urge that the sale and consumption of opium should be immediately stopped. We are bound to regard this as honestly given testimony, if a general judgment is to be formed. It is to be noted here that the evidence of those who themselves broke free from the habit, during 1920 and 1921, leads us to believe that it is often an exaggeration to say that extreme hardship or physical injury would be caused by compulsory withdrawal of opium.

While there would undoubtedly be temporary hardship and physical suffering, the benefits would probably be more than compensated by the prosperity of the people and should be cheerfully faced. But if a compromise is sought to be made between two sets of opinion in Assam, an agreement might be reached on the formula that opium should be immediately prohibited in case of all addicts below the age of forty, except in such instances as are certified under medical prescription. Above that age, it might be allowed for the time being, with medical supervision and inspection. The names of all opium eaters above the age of forty should be registered and their rations fixed. In this manner, every effort would be made to prevent any more persons from becoming addicts and to limit the use of opium to medical requirements only. Our evidence shows, that even the opium eaters themselves are thoroughly ashamed of the habit, and the continuance of the opium traffic by a civilised Government is strongly condemned. The extent of the popular feeling against it can be estimated by the action taken by people of all shades of opinion during the movement of 1921.

The Indian non-official members of the Legislative Council are practically unanimous in condemning the opium excise policy and look forward to a time limit for non-medical consumption and to an immediate registration of confirmed addicts.

In Assam it may be asserted generally that there is one common opinion on this question. All are for prohibition. Only questions with regard to

the time limit for final prohibition vary slightly. The mass opinion on the subject is perhaps nowhere in India so strong and articulate as it is in Assam. Out of the total of 325 witnesses, orally examined, 207 are representatives from Assamese villages. Again, after a classification of the 996 men convicted and imprisoned, under the provisions of the Criminal Law Amendment Act, mainly for picketting the opium shops, we find that as many as 700 were people from villages. Such was the depth of feeling against opium. These figures prove that the Assamese village people were willing to undergo the hardships of a jail life in order to stop the opium traffic.

Chapter IX.—Recommendations.

In conclusion, we would recommend that the following steps be taken:—

- (1) The sale of opium and its derivatives should be ultimately limited to the medical and scientific needs of Assam.
- (2) Provision should be made for confirmed addicts above the age of forty, enabling them to procure a rationed amount of opium, their names being registered for that purpose.
- (3) All opium addicts, who are under forty years of age, should be dealt with as medical patients. Wherever opium is needed by them, it should be given only under the order of a fully qualified doctor, the medical permission to obtain it being subject to quarterly renewal.
- (4) These changes should be carried out within the next five years. At the end of five years, opium should be placed on the list of poisons under a Dangerous Drugs Act, and treated as such for all inhabitants of Assam.

While much depends on the Government action, we feel that no progress can be made without the education of public opinion. The Non-co-operation movement showed what a great advance could be made in opium restriction by voluntary effort and public propaganda. The decrease in consumption in a single year is a proof of what can be done by these methods. This work needs to be still further promoted and sustained.

We, therefore, appeal to all those who desire the welfare of Assam to organise themselves into anti-opium societies and to advocate opium prohibition amongst the people in general. This will lead to the education of public opinion against the opium evil and create a moral atmosphere, without which no great success can be achieved. Every avenue of approaching the illiterate masses, who are the greatest consumers, should be employed. Especially necessary is the careful training of the young children in all the elementary schools of the Assam Valley and among the Hill tribes. We would invite the co-operation of all sections of the community in this educational work, and we would specially appeal to the missionaries to help us in organising temperance societies among the Hill tribes with whom they are closely connected.

Finally, we would venture to ask Mahatma Gandhi once more to come to Assam and put himself at the head of a great anti-opium campaign to be carried on by entirely peaceful means.

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Indian Economic Enquiry Committee

The report of the Indian Economic Enquiry Committee was published in the first week of October 1925. The appointment of the Committee was announced on the 22nd January with the following terms of reference :—

“ To examine the material at present available for framing an estimate of the economic condition of the various classes of the people of British India ; to report on its adequacy ; and to make recommendations as to the best manner in which it may be supplemented, and as to the lines on which a general economic survey should be carried out, with an estimate of the expenditure involved in giving effect to such recommendations.”

The Committee assembled at Delhi on the 7th February, and since toured the country gathering evidence, and subsequently issued their report, which was published by the Government of India Central Publication Branch Calcutta. The main report was signed by Sir M. Visvesvaraya, the Chairman of the Committee, and Pandit Hari Kishan Kaul; while the third member, Professor A. R. Burnett-Hurst, signed only subject to a Note of Dissent in regard to which the other two members wrote in their introductory remarks : “ We regret that on account of fundamental differences of opinion we have not had the benefit of the co-operation of our colleague, Mr. A. R. Burnett-Hurst, in the preparation of this report. We desire, however, to place on record our high appreciation of his services as Secretary to the Committee.”

The terms of reference to the Committee are analysed as falling practically under two heads :—

- (1) The examination of the material available ; and
- (2) The preparation of a scheme of economic survey together with an estimate of the cost involved.

To these two heads the report proper addresses itself. The Committee point out that surveys in various forms are now a regular feature of the administrative activities of the self-governing Dominions within the Empire. They add, that in India the time has arrived when a survey should be regarded as an indispensable preliminary to the formulation of economic policies and the treatment of many of the larger problems that arise in connection with the economic development of the country. According to the Committee, the primary purpose of an economic survey is to collect and compile facts and statistical data relating to the economic condition of the people, as it is too well-known to need any emphasis that numerous problems concerning the material well-being of the people of British India are to-day awaiting treatment under the guidance best supplied by an economic survey. The results of such a survey should, among other things, lead in their opinion to the adoption of measures for increasing production and wealth,—measures, such as the industrialisation of agriculture, the development of industries and trade, the redistribution of population according to the fertility of the various tracts, increasing the efficiency of labour, and calling in the aid of machinery, science, and capital for developing the country's vast resources and organising its stupendous

After giving careful consideration to all the opinions received the Committee have come to the conclusion that an enquiry into the economic condition of the people should fall under two main heads:—

- (i) Test applicable to a province or the country as a whole :—Production, national income, and national wealth.
- (ii) Test applicable to classes of people or local areas :—Individual income, individual wealth, collective wealth, cost of living, wages and prices, indebtedness, etc.

Classification of Material.

Dealing with the first part of the reference, namely, the examination of the existing material, the Committee have considered the subject under the following three main classes:—

- (i) General statistics other than production, comprising:—Finance, Population, Trade, Transport and Communications, Education, Vital Statistics and Migration,
- (ii) Statistics of production, including :—Agriculture, Pasture and Dairy-farming, Forests, Fisheries, Minerals, Large Scale Industries, Cottage, and Small Scale Industries.
- (iii) Estimates of Income, Wealth, etc.:—Income, Wealth, Cost of Living, Indebtedness, Wages, and Prices.

The statistics falling under class I (says the report) are more or less complete, those under class II are satisfactory in some respects but incomplete or totally wanting in others; while as regards estimates of income, wealth, etc., class III, no satisfactory attempt has been made in British India to collect the necessary material on a comprehensive scale.

Statistics and Economic Policies.

After a detailed consideration of general statistics, the Committee state that these statistics have not hitherto been compiled with a view to their being utilised for shaping the economic policies of the country. In other respects, they appear to be satisfactory as far as they go. Further improvements to bring them into line with up-to-date statistical systems abroad might be effected with the aid of a committee or conference of statistical experts. As regards statistics of production, the Committee suggest that complete statistics including its total value should be collected.

The existing agricultural statistics simplified and improved should, they state, offer the best means of ascertaining agricultural production. Where a subordinate revenue agency exists for doing this work no other agency, they suggest, can be usefully substituted for it. The Committee do not consider it necessary to have a periodical census of agricultural production, but instead they propose a quinquennial review of the data collected from year to year. They also furnish detailed suggestions for obtaining the value of production in pastoral occupations, dairy farming, fisheries, and cottage and minor industries. They hold that Departments of Mining and Industries should collect statistics of mineral and industrial production respectively, including values. They also suggest a detailed quinquennial census of industrial production.

Turning to estimates of income, wealth, cost of living, etc., the Committee state that such official information as is available is very meagre. That intensive inquiries should be made every year in limited areas in every district for ascertaining income, wealth, cost of living, indebtedness, etc., of the people. They also suggest that the income-tax returns should continue to be published in an improved form. Approximate estimates of the wealth of individuals should be made wherever possible by the investigators in the course of their intensive inquiries. Cost of living index numbers should, they add, be prepared for the principal industries centres. Detailed

proposals are also made by them for the collection of rates of wages of various classes of operatives in industrial establishments, mines, etc. They further recommend a comprehensive quinquennial wages census and offer suggestions for the collection of wholesale and retail price.

A Central Authority.

Dealing with the second part of the term of reference, namely, a scheme of economic survey, they consider that for carrying out such a survey an effective organisation, a continuously functioning staff, and rules and instructions based on foreign experience, as adapted to local conditions, will have to be brought into existence and adequate funds provided for putting the proposals into practice. The Committee claim that the scheme outlined by them embodies all these characteristics, and that it is designed to give a progressively correct estimate of the economic condition of the country and its people. After examining the various suggestions put forward regarding the methods of survey, they hold the view that, while aiming at the maximum of accuracy, India should follow the example of the Dominions and obtain approximate figures and estimates by generalisation wherever absolute accuracy is not possible of attainment. The guidance which approximate figures may give should not be refused because the country cannot afford the expense of collecting strictly accurate figures for a long time. All work connected with the economic survey should be properly co-ordinated by one central authority.

Dealing with the centralisation of statistics, they state that Statistics is already a central subject, and that a central statistical office has been in existence for several years although, as a result of the recent retrenchment policy, it has been reduced in status and strength. The statistics of British India are not, in their opinion, designed to give an indication of the true economic trend of the people or of the status of British India as an economic unit. They hold that if the statistics of British India are to form a basis for building up the economic policies of the country all work should as in the Dominions, be co-ordinated and centralised. The statistics at present, which are partly economic, may continue to be compiled by the departments concerned, but they should come under the technical guidance of the central statistical authority.

Need of Legislation

The Committee consider that if it is to secure an enduring success, the proposed scheme of economic survey should have its organisation and functions defined by law, the object of legislation being two-fold namely, to place the whole statistical organisation on a legal basis and to facilitate the collection of correct economic data from individuals and firms. For the latter purpose it is necessary to legalize the demand while guaranteeing the individuals and firms concerned against any direct or indirect disclosure of the information obtained under seal of official survey. They also recommend that the new measure should embody the provisions needed for conducting the decennial population census and be called the Census and Statistics Act.

The Committee recommend the creation of a Central Bureau of Statistics presided over by a Director of Statistics who should be an officer of broad sympathies and outlook and should have practical training in statistical matters. It is recommended, with a view to enlist public sympathy with the Department, that the Director's appointment should be subject to the vote of the Central Legislature. Each province should, they add, have a Provincial Statistics Bureau with a Provincial Statistician at its head and a number of assistants, usually one for every Revenue

Division, for the supervision of the work of collecting statistical material in the districts.

They also propose that Advisory Boards should be associated both with the Director of Statistics and with the Provincial Statisticians to advise and co-operate. The appointment of small committees in villages is recommended to assist the inspectors employed in collecting production statistics and the investigators engaged in economic research. They propose to collect production statistics with the help of Revenue and other Government Departments by providing the additional staff of inspectors and clerks needed. The intensive inquiries will be conducted by a technical staff with the co-operation of the Revenue Department and the people of the areas concerned.

The Committee consider that the village studies at present carried on are too elaborate, and that there have been too many studies of an intensive character without any proportionate viable results. In their opinion the studies should comprise inquiries concerning income, expenditure or cost of living, wealth and indebtedness concerning every household in the area investigated, and they should enable standards of living and the cost of living of the various classes to be determined.

It is computed that in a Province like the Punjab one investigator per district will complete the collection every year of data relating to 4 per cent. of the urban population, and that two investigators working in the rural areas will be able to collect data relating to 2½ per cent. of the rural population. As the results of these investigations become available in each succeeding year the inferences drawn as to the general condition of the people would become more and more reliable.

Other Suggestions.

Other suggestions of the Committee are that the Labour Office in Bombay and the offices of the Labour Commissioners in Madras and Burma may be amalgamated with the new Provincial Bureaus to be established in those areas, and that the village agencies and city and town municipalities should be encouraged to collect data and compile statistics, each for their particular areas, so that gradually the responsibility for maintaining an economic survey may be transferred to the shoulders of the people who are most interested in their use. In some Provinces, they add, the post of the Provincial Statistician may be usefully combined with that of the Director of Land Records. The question of inducing Indian States to take up the work of economic survey on parallel lines also suggested.

The Committee further consider that an official Indian Year Book should be published after the model of those issued by the Dominion Governments embodying all the principal statistics and forming a compendium of official data and information concerning the general, social, and economic conditions of the people. The Central Bureau of Statistics should also continue to publish the usual statistical returns and tables, and these should be reviewed once in five years and all doubtful points examined. Similarly an annual review of the economic condition should also be published conveniently at the time of the discussion of the succeeding year's budget in the legislatures.

In order to help the people to overcome their anti-economic habits and traditions the Committee suggest an educative propaganda by the publication in every village of the statistics of agricultural and miscellaneous production and by the supply to the village accountant of the statistics relating to all other forms of production in a village to be published along with the figures of agricultural production. It is suggested that the revenue officers and officers of the statistical department should draw the attention of the villagers to these figures when they happen to visit a village and

explain to them their real significance. The association of local committees, panchayats, etc. with the work of collecting statistical data will, they suggest have an educative value.

Cost of the Scheme.

The following is a summary of the financial proposals under the scheme :—

	Rs. Lakhs
Recurring yearly expenditure by the Central Government	75
Recurring yearly expenditure in the Provinces ..	56.79
Total yearly recurring expenditure by both Central and Provincial Governments ..	57.54
Additional expenditure for equipment, training, etc., in the first quinquennium to be expended practically in the first two years—	
Central Government	1.25
Provincial Governments	30.61
Total ..	31.86

If the Central Government bears half the cost of the Provincial Establishments and half of the initial additional expenditure the share of the respective Governments will be as follows :—

	Rs. Lakhs.
By the Central Government.—	
(1) Total initial outlay in the first two years, 1.25+15.31	16.56
(2) Recurring yearly outlay 75+28.40 ..	29.15
By the Provincial Governments collectively;—	
Total initial outlay in the first two years ..	15.31
Recurring yearly outlay	28.40

Mr. Burnett-Hurst's Note of Dissent.

Mr. Burnett-Hurst does not approve of some of the principles in the above report and most of the details of the recommendations. In his dissenting note he emphasises the fundamental differences between India and the Dominions in the collection of statistics. In the first place, the expenditure and the difficulties of a statistical inquiry increase with every increase in the units to be enumerated, and an investigation comprising the whole of British India within its scope would correspond to an enquiry covering the greater part of Europe.

Statistics, again, cannot be easily collected where population is scattered and the earnings of agriculturists cannot be ascertained with as much facility as those of industrial workers. In India four-fifths of the inhabitants reside in rural areas, and three-fourths of the total population are agriculturists.

Another difference between India and the Dominions, etc., is that the collection of statistics by the distribution of schedules cannot be followed in India on account of the illiteracy of 90 per cent. of the population. There is also an almost entire absence of organisations and associations which in Great Britain and the Dominions co-operate and assist in the collection of statistics.

Finally, industry in Great Britain and the Dominions is highly organised, so that it is easy to collect statistics with a degree of accuracy; but in India, in its present stage of development, with scattered, unorganised undertakings mostly carried on by persons working on their own account, statistical measurement is difficult and impossible to achieve without the employment of a large staff.

To add to these difficulties Mr. Burnett-Hurst points out that, in the opinion of several witnesses, an enquiry regarding the personal wealth of the people would probably be viewed with suspicion, and it would appear to be inadvisable to carry out enquiries into individual wealth.

After pointing out that any estimate of national wealth is unlikely to be of much utility, he suggests that an economic survey of India should take the form of—

- (1) Detailed and careful studies of the income and expenditure of selected families representative of the various classes into which the population can be grouped; and
- (2) A series of intensive and extensive enquiries into such subjects as the influence of disease on physical efficiency, the economic effects of restrictive social customs, intensive labour versus light work for longer periods, adulteration of the food-supply and other fraudulent practices, sanitation, welfare work, etc. etc.

Census of Production.

He recommends that eventually a detailed census of production should be instituted and repeated quinquennially and also a quinquennial wages census. The intensive enquiries should be supervised by Provincial Boards of Economic Enquiry composed of non-officials and officials and constituted on the lines of the existing Punjab Board, the Provincial Director of Statistics being an ex-officio Member of the Board in order to secure co-ordination between the Board and the Provincial Bureau of Statistics.

The agency for the collection of statistics in the extensive survey should be persons belonging to or working under the direct supervision of the department of branch of administration with which the statistics are associated. He emphasises the importance of accuracy in collecting data, and adds that estimates founded on more or less shrewd guesses have no authority unless the degree of accuracy can be ascertained.

The Department of Statistics should be enlarged and reconstituted by administrative act to form a Central Bureau of Statistics, and the Bureau should be responsible for the census of production and census of wages of large industrial establishments, wholesale prices, annual statistics of industrial, pastoral, and dairy production in addition to the present publications of the Department of Statistics. The Bureau should also utilise such of the statistics of the provincial bureaux and provincial departments as are reliable and suitable for the construction of all India figures.

He recommends a statistical advisory board to be appointed by the Governor-General in Council. In his opinion the salary of the Director-General in charge of the Central Bureau should not be subject to the vote of the Legislature, as statistical appointments should not be made the subject of party politics.

REPORT OF THE External Capital Committee

The report of the External Capital Committee, which was appointed by the Government in accordance with a promise given by Sir Charles Innes in the Legislative Assembly on the 6th June, 1924, to consider the question of the flow of capital into India from external sources, was published by the end of September 1925. The Committee was composed of Sir Basil Blackett, Mr. C. B. Chartres, Sir W. Currie, Mr. T. C. Goswami, Sir Charles Innes, Sir Sivaswami Iyer, Pandit Madan Mohan Malaviya, Mr. Dwarkanath Mitter, and Mr. G. A. Natesan.

The Committee have not attempted to estimate the amount of external capital in India, as any such calculation must be largely guess work. They do not think that any practical purpose would be served by such an estimate. As a general principle they hold that the inflow of external capital is not only unobjectionable in itself, but is a valuable factor in assisting the economic development of the country and in increasing its wealth and employment. It is, however, even more advantageous that India's requirements for new capital should be supplied from internal sources. So far as internal capital is forthcoming India possesses a large store of dormant capital awaiting development, and, in order to make this available for investment, they suggest that a preliminary survey should be undertaken by the Government without delay of the whole field of banking organisation and credit facilities in India, the preliminary survey to be followed by a detailed examination by experts. The following are some of the questions, a detailed examination of which the Committee consider would be most likely to lead to fruitful results:—

Facilities for Investment.

The first is the question of increasing the facilities for deposit and investment by the creation of new branches of the Imperial Bank, extension of the facilities of existing banks and the formation of new banks. They also suggest an examination of the indigenous banking system in order that the credit facilities which they now afford may be fully utilised and further developed by being fitted into the modern banking system, and the examination of the various proposals for the Government control of joint stock banks.

The most important question is the provision of a comprehensive scheme of banking education which will furnish an adequate supply of Indian bankers trained on sound and modern lines. One of the first points for consideration in this connection would be the desirability of creating an All-India Institute of Bankers to supervise courses of instruction combining both practical and theoretical training.

As regards the facilities for investment, they consider that as fresh capital must, if progress is to be healthy, be attracted first into investments in which safety is the primary consideration, steps should be taken to encourage dealings in Government Securities by extending the Public Debt Office facilities to the more important commercial centres outside the presidency towns, thereby creating more money markets throughout India constituted on modern lines.

Credit to Agriculture.

Other questions of importance are co-ordinated examination of machinery for the provision of credit to agriculture and industry, either by direct Government assistance, or through industrial and co-operative banks and the development of negotiable instruments so that they can take their proper part in the financing of Indian trade.

Turning next to the question of imposing restrictions on external capital, the Committee distinguish between the different forms of external capital according to the extent to which such capital carries with it control over Indian industrial organisations and Indian natural resources. According to this criterion, external capital is divided into three categories, namely:—

(1) Investments in which the external investor is merely entitled to a stipulated rate of interest and only acquires rights of control when there is default, as in the case of State and municipal loans, bonds and debentures of private companies and loans.

(2) Investments in which the external investor enters into competitive business on equal terms with Indian enterprise, as in the case of cotton and other textile mills, mercantile houses and the like.

(3) Investments in which the external capitalist acquires special privileges or concessions of land which give him exclusive possession or exclusive rights of exploitation of particular portions of the natural resources of India.

As regards class (1), the Committee do not consider any measures of control necessary, but in the case of Government and quasi-Government loans, they add that the rate of interest should not be the sole consideration in placing such loans, and that, other things being equal, preference should be granted to the Indian investor.

Control Measures.

After careful consideration of the various devices suggested for imposing control, the Committee have come to the conclusion that restrictive measures would be either impracticable or disproportionately injurious to the Indian investor in cases falling under class (2). The most general of these suggestions for control are the registration of new companies in India with rupee capital and definite reservation to Indian investors of a proportion of the shares, stipulations for a definite proportion of the directors being Indian, and for facilities being afforded for the training of Indian apprentices, and the imposition of penal taxation on companies which did not comply with these conditions. The Committee point out that these suggestions could only be applied to new companies, and that they would entail a very elaborate system of trade licensing and inquisitorial Government control which would tend to prevent the development of private companies into joint stock companies. Restrictions on the transfer of shares from Indian to non-Indian might possibly increase the yield in certain exceptional cases, but this would be largely counter balanced by their lower sale value on account of the absence of an open market for the sale of investments.

Further practical objections are probable evasion of the restrictions by the large capitalist and the increased difficulty to the small investor of finding purchasers for which brokers would naturally charge an enhanced commission. The Committee's objection to a statutory minimum of directors is based on the right of shareholders under ordinary circumstances to have an unfettered control over their own directorate, and on the principle that it would be inadvisable and uneconomic to compel companies to labour under a proportion of directors whose business qualifications were only a secondary consideration.

Subscription Lists.

The Committee are also opposed to the keeping of subscription lists for new or additional capital open to Indians for a prolonged period, because, if Indian subscribers were subsequently allowed to sell them in the open market without restriction, the effect of such a policy on the ultimate control of a company would be negligible, while the dislocation created to the commercial machinery of the country by such a general provision would be incalculable.

Pandit Madan Mohan Malaviya, while recognising the force of this argument, holds that some such action is desirable on the ground that there would be some residuum of additional Indian holdings as a result.

Where, however, definite concessions are granted to particular concerns, as in the third-class of external capital, the Committee agree that definite restrictions might be imposed. They would sub-divide this class further into two: (1) where foreign capitalist acquires a definite pecuniary concession, such as a bounty; and (2) where he acquires a concession which will enable him to exploit a wasting asset, such as a mineral concession.

Nature of Restrictions.

In the first case they consider that restrictions might be imposed of the nature described in Section 5 of the Steel Industry Protection Act, 1924, namely, that companies should be registered in India with rupee capital and reasonable facilities for the technical training of Indian apprentices should be provided. As regards mining and similar concessions, they are of opinion that no definite proportion can be prescribed and the matter must be dealt with by the expert departments of Government concerned, the general criterion being that concessions should only be granted to external concerns where it is clearly in the national interest that they should and where internal capital is not forthcoming on reasonable terms, and then only subject to such safeguards as may be suitable for each case. Lastly, the Committee do not consider it necessary to examine in detail the measures to be taken to give effect to these recommendations, as they do not suppose that any general legislation will be necessary. If the Government accept them, necessary legislative and executive steps can be taken to give effect to them on each occasion when a bounty or similar concession is granted.

Summary of Recommendations.

The following is a summary of the recommendations of the External Capital Committee, presided over by Sir Basil Blakett.

It is advantageous to India that its requirements for Capital should be supplied from internal rather than from external sources, so far as internal capital is forthcoming. The real solution of the problem of External Capital lies in the development of India's own capital resources.

Subject to the limitations given below the inflow of External Capital is not only unobjectionable in itself, but is a valuable factor in assisting the economic development of India.

Though in certain circumstances the control of External Capital may be necessary in the interests of India, general measures discriminating against it or penalising it, either by way of taxation or by way of control, would, so far from assisting the development of these resources or fostering the interests of the Indian investor, be definitely injurious to both, as they would impede the growth of new industries and restrict the transferability and, consequently, the market value of the holdings of the Indian investor.

India possesses a vast store of dormant capital awaiting development and in order to make this available for investment, banking facilities must be increased and extended. We would emphasise the importance of a co-ordinated survey of banking facilities being undertaken at the earliest opportunity, followed by a detailed examination, by an expert committee, or committees, of the lines along which progress should be effected.

As regards the control of External Capital where the external capitalist is merely entitled to a stipulated rate of interest and only acquires right of control when there is default, as in the case of State and Municipal Loans, and Bond and Debentures of Companies and Bank Loans, we do not consider any measures of control necessary; but in the case of Government and quasi-government loans, the rate of interest should not be the sole consideration in placing such loans. Other things being equal, preference should be granted to the Indian investor.

Where an investment carries with it the control of an undertaking, we consider it reasonable that when the Government grants particular concessions to the industry, it should exercise such control over, as would lead to the advantage of the country. Where the concession is general, as in the case of a protective tariff, (and this would include practically every industry in India, as a revenue tariff without a corresponding excise, has protective effect) it is impracticable to effect any discrimination. No feasible suggestions for such discrimination have been suggested to us nor have any occurred to us during our discussions. Where definite pecuniary assistance, such as a bounty, is granted to any particular undertaking, we consider that discrimination is feasible and we agree with the Fiscal Commission and the Legislature that no such assistance should be granted to any company, firm or person not already engaged in that industry in India, unless firstly, reasonable facilities are granted for the training of Indians and, secondly, in the case of a public company, unless it had been formed and registered under the Indian Companies Act 1913 and has a share capital, the amount of which is expressed in the memorandum of the Association in rupees and such proportion of the directors, as the Government may prescribe, consists of Indians.

Where a concession is granted to exploit a wasting asset, such as a mineral concession, no definite rules can be prescribed. It must be a question in each case whether it is better from the point of view of the national interest that the concession should be developed by External Capital or left until Indigenous Capital may be prepared to develop it. Such concessions should only be granted to external capitalists when it is clearly in the national interest that they should be developed. We do not consider it necessary to examine in detail the measures to be taken to give effect to these recommendations, as we do not suppose that any general legislation will be necessary if Government accept them. Necessary legislative and executive steps can be taken to give effect to them.

Pt. Malaviya's Minute of Dissent.

Pandit Malaviya, who was a member of the Industrial Commission has appended a valuable note to the report. He recalls that during the debate on the Steel Protection Bill which led to the appointment of the Committee Sir Charles Innes had stated : " I am aware that there are sections in the House, which would like to incorporate in the Bill specific provisions regarding the proportion of foreign capital. I am prepared to take up separately the examination of questions of that kind, and in that examination, I am prepared to associate with the Government a committee of the Legislature, appointed *ad hoc* for the purpose."

Pandit Malaviya says : " It is in fulfilment of this promise that the present Committee was appointed. The main question, therefore, which this Committee had to consider, was what measures, if any, should be adopted to ensure that in every public company which may be incorporated in the future, a certain proportion of capital shall be Indian. My colleagues have come to the conclusion that except when definite concessions are granted to individual concerns, restrictive measures would be either impracticable or disproportionately injurious to the Indian investor." With this Pandit Malaviya does not agree, for " so long as the policy of free trade was followed by the Government of this country matters stood on a very different footing from that on which they do now. As a policy of protection of industries by tariffs and bounties has now been adopted, the Government is bound, in fairness to the general consumer, to see that the industries which shall benefit by such tariffs are either wholly or, at least largely Indian both in the matter of capital and control. The very foundation of Protectionism, as has been said by eminent economists, is the idea of nationality. When we Indians asked for protection we did so in order to promote Indian enterprises with Indian capital and under Indian control. The Government of India understood as correctly and agreed with us. Speaking in 1916 on the resolution which led to the appointment of the Industrial Commission, Sir William Clarke, then Commerce Member, said : ' The building up of industries, where the capital, control and management should be in the hands of Indians is the special object we all have in view.' He deprecated the taking of any steps which might merely mean that the manufacturer who now competes with us from a distance would transfer his activities to India and compete with us within our own country."

Pandit Malaviya recalls his own note attached to the Industrial Commission Report and quotes from the Minority Report of the Fiscal Commission, which emphasised that " no foreign country should be allowed to monopolise the profits due to the policy of protection in India and at the cost of the Indian consumers." In order that this object should be achieved it is not only necessary that a reasonable proportion of the directors of every new company, which may be formed here-after in India, should be Indians; but also that, at least, half the share capital should be reserved to Indian subscribers for a definite period of time. If after that period Indians have not subscribed their share, the company should be free to acquire the remaining capital where it could. Pt. Malaviya declares : " In support of my view, I would also refer to the English Overseas Trade (Credits and Insurance) Act. In that Act it was definitely provided that no credit should be

granted by the Board constituted under the Act, to an alien or to a firm in which the majority of the partners were aliens or to a company where British subjects did not form a majority of the directors or where a majority of the voting power was not in the hands of British subjects. I also wish to emphasise that the adoption of a policy of protection of industries by tariffs and bounties more than ever makes it the bounden duty of the Government that it should provide sufficient banking and credit facilities to Indians, and encourage them to build up indigenous industries."

Need for a State Bank

Pandit Malaviya then discusses at length the need for a State Bank in India. He quotes the opinions of Sir Dinshaw Wacha and Dr. Gilbert Slater on the subject and says Mr. Findlay Shirras' book shows how deplorably low the banking position in India is in comparison with that of Canada, Australia, Japan, the United Kingdom and America. While the Banking Capital amounted, in 1920, in India to only 28 million pounds (including the Capital of Exchange Banks, which do business elsewhere, that in Japan was 67 million pounds. Deposits (Banks and Savings Banks) amounted in India to 118 million pounds and in Japan to 404 millions pounds. The number of Banks in India was 359. In Japan the number was 5874.

Pandit Malaviya next shows that the opinions expressed by "The Times" in 1913, by the Chamberlain Commission in 1914, and by the Industrial Commission in 1918 all recognised the vital importance of the question of a State Bank for India and wanted the subject to be investigated by an Expert Committee. In March 1919 Mr. B. N. Sarma moved a resolution to that effect in the old Imperial Council, but Sir James Meston said the Government was too busy with the question of Reforms.

Pandit Malaviya concludes:—"It is a matter for real regret that, notwithstanding the weighty recommendations referred to above, this question has not yet received from the Government the attention which it so obviously deserves. Nothing more vitally affects the welfare of the people of India than the question of the healthy growth and expansion of National Commerce and Industry. Nothing is more urgently needed to make that growth possible and to sustain it than a sound system of national banking and finance, which should take note of and provide for the financial needs of the people in all the important branches of their commercial and industrial existence. I earnestly hope that, as this Committee has the advantage of being presided over by the Finance Member and of having the Member for Commerce also on it, its recommendations on the subject of banking will receive the early attention of the Government and that a Committee, so composed that it might command the confidence of the public, will be soon constituted to deal with this most important question."

Mr. Goswami's Minute of Dissent.

Mr. Goswami was not originally a member of the Committee, but was elected in the place of Mr. Patal. He, while generally agreeing with the report, says he was elected after the questionnaire had been framed and the answers received. He says :

"I found that the terms of reference practically excluded any form of first-hand inquiry as to the extent that foreign capital has a hold on India, as to how far such a hold has benefited India and as to how far it has been injurious." Mr. Goswami strongly emphasises the need for an urgent enquiry into the banking system and proceeds : " It is said in the report that considerable progress has been effected by the creation of the Imperial Bank and the opening of new branches. While I do not controvert the statement, I should like to express the common belief, for which I know there is good foundation in actual facts, that racial and political discrimination is made in the matter of credit and that Indians usually do not receive, in matters of credit, the treatment that their assets entitle them to, while on the other hand, British businessmen have frequently been allowed larger credit than what on ordinary business principles they ought to have got. This is a matter for inquiry. Whether this state of things can be altogether remedied at present is however a difficult question to answer. With regard to the leases always granted by the government, whether of mines or of forests, it is necessary for the public to know the details of each transaction. Leases have been granted at ridiculously low rents which cannot be explained away by the plausible theory of development and of risks of enterprise. There are cases in Assam, for instance, which require examination. I go further. Not only would such an inquiry indicate the steps that should be taken in the future to safeguard India's interests, but it would perhaps reveal cases of unconscionable favouritism.

"My esteemed colleague, Pandit Madan Mohan Malaviya, has appended a note to the report suggesting that it should be a condition in all cases in which shares are offered by public companies in India, that the subscription lists should be open for a minimum period and that preference should be given to Indian subscribers up to 50 per cent. of the amount of shares offered. The argument that this would be an illusory protection, since the shares can subsequently change hands and *Benami* transactions are to a large extent unavoidable, has great force and Panditji recognises this. I agree with Panditji that the effect of his proposition cannot be totally neutralised by these devices, but I do know that what Panditji suggests is the best mode of securing the object which some, at any rate, of the members of the Committee have at heart. I confess, however, that I am unable to suggest an alternative."

Sir Basil Blackett, in a note, observes that the points raised and the allegations made by Mr. Goswami in his note were not put by him before the Committee and his note was received after the report had been signed.

The Indian Civil Services Bill

In the preceding volume we have detailed in full length the proceedings of the House of Lords on the 1st April 1925 when the Indian Civil Services Bill passed its second reading and subsequently referred to a Joint Committee on Indian Affairs with Lord Meston as its Chairman. The report of this Joint Committee was issued in June 1925. The Report is significant, not so much for the amendments to the Bill which the committee sought to effect, as for the reactionary spirit in which it made its recommendations. From a perusal of it it appears that the committee pressed some of its amendments in the teeth of the opposition of the India Office. One of these amendments related to the case of those members of the Services which were not classed as "superior" under the Act. The Secretary of State, it is clear from the Report, went so far to placate the Committee as to treat as belonging to the "Superior" Services every official whose work was, by its arduousness or the nature of its responsibility, in any way comparable to that of a member of the Superior Services. But the Committee was obdurate and insisted on its amendments being placed before Parliament. One of the amendments suggested that all public servants, whose salaries were non-votable, should be granted the same protection in regard to tenure of office and so on as were the members of the Superior Services. The reason for this amendment was that the legislature might, but for the amendment, defeat the object with which their salary was made non-votable by altogether abolishing the appointment. That is to say, the Committee called upon Parliament to place a ban on the local legislature from interfering with the strength and other matters connected not only with the "Security Services," but also with the Secondary Services. In effect, the Joint Committee wanted that the Secretary of State should have the right of imposing on the Central Government and the Provinces, not only the 'steel frame', but also all and sundry whom it pleased him to appoint, and direct that they be paid out of the Indian exchequer such salaries, pensions and allowances as it pleased him to fix for them.

Another amendment of the Committee called for control over the decisions of the Public Services Commission. The Committee insisted that any rules made by the Secretary of State in Council for devolution of power to the Public Services Commission would be referred to it because it considered that the future and the security of tenure of the public servants in India may be so materially affected by the functions of the Public Services Commission, that rules governing the powers of that body and the question of the final right of appeal against its decisions should not be approved by the Imperial Government until they have been exhaustively examined.

The following is the full text of the first report of the Standing Joint Committee on Indian Affairs on the Civil Services Bill :—

Joint Committee Report.

" That the committee have met and considered the Bill and have made amendments thereto,

" The committee have had the advantage of hearing a statement on the Bill from the Secretary of state. Its main object is to secure that the budgetary provision for the salaries, pensions, and allowances of certain classes of public servants shall not be submitted to the votes of the legislatures in India. This involves amendment of the law in two directions ;— (i) The extension, in the case of persons whose salaries and pensions are at present exempted from the vote of the legislatures, of the same exemption to other emoluments. The Government of India Act, 1919 exempted only the salaries and pensions of such persons, and owing to technical meaning of these terms in Indian practice, there is at present a certain difficulty in classifying as 'salary' certain allowances which form part of an officer's regular remuneration, or the reimbursement of expenses incurred by him in the course of official business; (ii) the Act removes from the vote of the legislatures the 'salaries and pensions', however defined, only of persons appointed by the Crown or the Secretary of State in Council. But the concessions granted, as the result of the recommendations made in the Report of the Royal Commission on the Superior Civil Services in India, have not been confined to persons appointed by the Secretary of State in Council (who, broadly speaking, consist of the members of the services known as 'All-India Services'). They have been extended to members of the Superior Services, both central and provincial, who are appointed by the Government of India and local Governments. It would not be consistent that public servants who enjoy the benefits of concessions granted by the Secretary of State in Council should depend for the yearly provision of their remuneration upon the votes of the various legislatures. The Bill, therefore, proposes to comprehend in the category of persons whose 'salaries and pensions' are to be 'non-votable,' such existing (but no future) members of Services declared by rules to be 'Superior Services,' as were appointed by the Government of India or a local Government.

A Moral Obligation.

" The principle of the Bill has already been accepted on second reading in the House of Lords, and the committee endorse it without hesitation. (They realise fully the moral obligation on the Imperial Government to preserve the spirit of the Government of India Act, 1919, and on broad principles they are opposed to any invasion of the powers of the legislatures in India.) At the same time they consider the safe-guarding of interest of the public services in India to be a duty which must be fulfilled in the interests of the proper working of the new Constitution, and they are not apprehensive that the privilege now proposed will impair the proper discipline of the services by the proper authority.

" The committee, before proceeding to amend the Bill, had the advantage of hearing the views of the Under Secretary of State for India on various amendments which were proposed. They now proceed to deal with these amendments in some detail. In the first place, it was proposed to insert after clause 1, page 2, line 10, and also after clause 1, page 3, line 4, a new sub-section going farther than the Bill provided, by affording the same protection to certain persons whom the Secretary of State in Council may name, after certifying that exemption is justified by the circumstances of their original appointment.

" This amendment, after careful deliberation, the committee have agreed

Superior Services.

" The following views on this amendment were put before the committee by the Under-Secretary of State for India. He considered that the amendment was unnecessary, as the Bill as it stands gives power to classify as 'superior', (and thereby to make their salaries non-votable) any services or posts which have a status or responsibility comparable with those of the 'All-India' or 'Central' Services. He stated that the Government proposes to adopt that criterion in deciding whether any provincial service or post is to be classified as 'superior' for the purposes of this Bill. The Government does not advise the inclusion of a number of persons who, judged by the above mentioned criterion, could not be classified as holding 'superior' appointments. It considers that this would detract too much from the powers of the legislatures. In the matter of protecting any Provincial Services or posts which can be shown to be comparable in status or responsibility to All-India and Central Services, the Government is prepared to go farther than the recommendation contained in the Report of the Royal Commission presided over by Lord Lee of Fareham. It does not, however, mean to extend those recommendations to the Provincial Services as a whole, or to selected individual members. To attempt to do so would, in its opinion, re-open the whole question of the classification of the Services and the distribution of control over them which has been effected on the basis of the Act of 1919.

" The committee have given the closest attention to those arguments, but have decided to insert the amendments, subject, of course, to whatever drafting alterations may be considered necessary to give effect to its purpose. Their view is that there are appointments, here and there, which it would be difficult or even improper to classify as 'superior,' but which are yet held at present by persons who were originally appointed in circumstances which gave them the right to expect and which in fact entitle them to the same measure of protection as will extend to members of the new 'Superior' Services. Such cases, it is anticipated, will not be numerous; they raise no racial question, as the proposed privilege will be open to all public servants alike; and the Secretary of State will not exercise his power of individual exemption without investigating the particular conditions under which each claimant was appointed. The number of officers thus privileged will steadily diminish and the committee do not regard the concession as constituting any appreciable derogation from the powers of the legislatures while it will remove any sense of grievance from a few meritorious officials.

" The second amendment which the committee have inserted is one which was put in at the request of the State, and is not in any sense controversial. It is to supply an accidental omission in section 96 (b) of the Act of 1919, by adding the Words 'in Council' after 'Secretary of State' as in the rest of that section.

" The third and last amendment which the committee have adopted was not dealt with by the Under-Secretary of State, and the committee did not, therefore, have the benefit of his advice before considering it. The object of the amendment is to extend to all officers whose salaries are non-votable the same protection as section 97 (b) provides for officers appointed by the Secretary of State in Council. The provisions under which the salaries of officers are not submitted to the vote of the legislative Councils would be nugatory if there were no special limitation to the power of abolishing their appointments.

" The committee were advised that this amendment does come within the scope of the Bill. After discussion, however, they came to the conclusion that this additional protection is necessary, and the amendment

was carried. They consider that the amendment is consistent with the recommendation made in paragraph 57 of the Report of the Royal Commission. They further consider that in the event of the recommendation in paragraph 27 of that Report being adopted by the Government, this safeguard will be valuable. The Report recommends that an appeal should only be finally referred to the Secretary of State provided that the case is certified by the Public Services Commission (when set up) as a fit one for such appeal.

"In conclusion, the committee trust that any rules which are made by the Secretary of State in Council under section 96 (c) (2) of the Government of India Act, 1919, will be referred to them. They consider that the future and the security of tenure of public servants in India may be so materially affected by the functions of the Public Services Commission, that the rules governing the Powers of that body and the question of the final right of appeal against its decision should not be approved by the Imperial Parliament until they have been submitted to exhaustive examination".

The Bill in the Lords

In the House of Lords, on the 9th July 1925, dealing with the Joint Committee's amendments to the Indian Civil Service Bill, Lord BIRKENHEAD said the proposals to extend the number and the range of beneficiaries exceeded the scope of the bill. They were supported neither by the Government of India nor by the India Office and were quite unworkable. They involved either racial discrimination or the withdrawal of officers from the control of the Council to an unjustifiable extent and would create more grievances than they removed. He therefore, asked the House to reject them.

Lord MESTON, as Chairman of the Joint Committee, explained the reasons for the proposals. He disclaimed any intention of giving the scheme a racial aspect.

Lord AMPTHILL, in the course of his speech, said that in the speech that Lord Birkenhead had just delivered there was no suggestion that anything would be done to accord provincial officers the protection to which they were entitled and without which it was impossible for them to render efficient service. The committee was only trying to repair the omission of the Lee Commission and empower the Secretary of State to protect officers of precisely the same class and the same claims as those he was protecting already. The rejection of the committee's recommendations would be a very serious blow to the handful of provincial officers concerned, who had been playing the game and doing their best to make the reform scheme workable and their disappointment would be felt by the whole of the services of India.

Lord SYDENHAM concurred with Lord Amptill's views and declared that the effect of the rejection of the proposal would be to decrease the confidence of our fellow-citizens in India.

Lord PEEL pointed out that Lord Birkenhead's proposals went a good deal further than the proposals of the Lee Commission.

Lord OLIVIER said that although the report of the committee was accepted without a division there were differences of opinion previously. He was sure that Lord Birkenhead, his Council in the India Office and the

Government had fully considered the question of possible hardship and, therefore, he did not see the slightest necessity for the House of Lords to make themselves more Royalist than the Government.

The debate resolved itself into a desultory conversation between Lord Birkenhead and Lord Olivier on the one hand and Lords Meaton, Amptbill, Sydenham and Harris on the other. In the end the committee's amendment extending the range of beneficiaries was rejected by 55 votes to 29 and the consequential amendment dealing with the same point was rejected without division. The Majority was composed of members of the Government, a few Conservative peers, and the Labour Opposition. The minority was made up mainly of Liberals and reactionaries.

The amendment adopted by the committee, extending to all officers whose salaries were non-votable the same protection as was provided to officers appointed by the Secretary of State, was opposed by Lord Birkenhead on the ground that it was outside the scope of the bill and was rejected without a division. After the adoption of the committee's drafting amendment, the bill, as amended in this respect, was passed by the committee.

The Bill in the Commons

On the 4TH DECEMBER in the House of Commons in moving the second reading of the Indian Services Bill Earl WINTERTON re-echoed the substance of Lord Birkenhead's speech in the Lords on April 1, and dwelt on the excellent effect of the adoption of the Lee Commission's recommendations upon the services. He declared it was doubtful, as the Act stood, whether the Indian legislatures could not refuse to vote supply for the provision of passage allowances to civil servants to and from Britain, and that the measures giving effect to the Lee recommendations had beneficially affected recruiting for the Indian Civil Service. The recent examination gave great grounds for hope that the old standard of quality and quantity would be maintained.

Mr. SCURR, in moving the rejection, complained of the introduction at the late hour of an important measure affecting the lives of 300 millions of people. He stated that the only way of fulfilling the responsibility for India was to grant her one of the most efficient bodies in the world, and concluded by saying that no Labourite would oppose proper payment for the work done but the obligation for it is England's not India's and hence it ought to be a charge on the British and not the Indian exchequer.

Mr. SAKLATVALA seconded the motion. In the middle of his speech the debate was automatically adjourned under the standing orders.

On the 8TH DECEMBER in the Commons Mr. Scurr's motion for the rejection of the Bill was rejected by 241 votes to 77. The Bill passed the second reading and was committed to the Standing Committee.

In the course of the debate on the Bill, Mr. LANSBURY said that the passing of the legislation here in the teeth of the opinion of the Indian Assembly was an intentional insult to the Indian people. The Commons should not impose on the revenues of India charges that the Assembly would not accept if it were consulted.

Sir Frank NELSON believed that the Civil Service could be a great power in promoting the Indo-British understanding and hastening full dominion self-government for India.

Mr. BAKER asked for an undertaking from Earl Winterton that he would enquire into the conditions of service of European employees in the Indian Ordnance department and provide a machinery whereby their reasonable representations might be brought to the notice of the Secretary of State.

Mr. Wardlaw MILNE, supporting the Bill, suggested that it should be made clear that it applied to men of the non-covenanted services whose work was all within one province. It might easily be amended, if necessary, by providing for the reappointment of these men by the Secretary of State.

Mr. SNELL, member of the Joint Committee, agreed that it was an advantage to Indians that the Civil Service should be happy, contented and efficient, but he protested against the form of the Bill, which suggested that Indians could not be trusted to do the right thing by the Civil Service.

Col. WEDGWOOD complained that the Bill was obscure and suggested that such a change as was contemplated in the Bill should be left over until the Royal Commission had reported. He suggested the appointment of a commission to enquire into the wages and state of workers in India.

Earl WINTERTON, after explaining the purpose of the Bill, emphasised that in no sense was it a race Bill but was concerned with Indians and Europeans. It was true that the majority in the Assembly had rejected the Bill, but every Indian member of the Commission had signed the report, which was unanimous. It was a striking tribute to the way in which Indians and Europeans could work together that they had produced so excellent and unanimous a report. Whatever might be the opinion of some Indians, as quoted by the members opposite, he believed that the great bulk of opinion—which, after all, was sensible, reasonable and fair-minded—favoured adequate salaries and emoluments for Indians and Europeans serving the Crown in India.

The Bill in the Lords Again

On the same day, the 8TH DECEMBER, in the Lords Lord LEE withdrew his motion moved the day before as a consequence of the receipt of an assurance from Lord Birkenhead that he intended passing the Civil Services Bill in the present session. Lord Birkenhead declared that Lord Lee was right in assuming that it would be disastrous if the Bill failed to pass both Houses in the present session. Lord Birkenhead revealed a 'very unfortunate difference of opinion' in the Joint Committee, which made a recommendation which the Government was unable to accept and which had the effect of delaying the Bill six weeks, jeopardizing its fortunes in the crowded session. He did not doubt that the Conservatives appreciated the high imperial consequences of passing the measure, and as regards the Labourites, it would be true to say that this Bill was the same as Lord Olivier recommended to his colleagues and actually gained informal assent when the Labour Government fell.

On the 14TH DECEMBER it was announced that the Indian Civil Services Bill had been passed by the Standing Committee without any amendment. On the 16TH DECEMBER the House of Commons passed the third reading of the Bill without a division. It was then sent to His Majesty the King who gave his Royal Assent to the Bill on the 22nd December.

Indians in South Africa

A Historical Review

The story of the long and severe persecution of our industrious, law-abiding and helpless countrymen in South Africa forms one of the most painful chapters in the history of the British connection with India. A bare recital of the wrongs wantonly inflicted on them is sufficient to lacerate the heart of any Indian. No living Indian can forget to his dying day the heroism with which the Indians settled in South Africa faced martyrdom in order to save the honour of the country of their origin. After undergoing indescribable sufferings, the memory of which still rouses the bitterest resentment in our hearts, they won for themselves a position not wholly incompatible with human self-respect. The settlement arrived at in 1914 was far from being a final solution of their grievances. But it was believed that their consent to the restriction of immigration into South Africa would, by removing from the minds of the South Africans the apprehension of an unlimited influx of Indian immigrants, bring about a change in the attitude of the latter and enable them to secure by persuasion the removal of the disabilities they still laboured under. General Smuts himself, speaking at the Imperial Conference in 1917, stated :

'Now that the fear which formerly obsessed settlers has been removed, the great principle of restricted immigration for which they (South Africans) have contended is on our statute book with the consent of the Indian population in South Africa and the authorities in India, and that being so, I think that the door is open now for a peaceful and statesmanlike solution of all the minor administrative troubles which occurred and will occur from time to time.'

At the Imperial Conference of 1918, in the course of the debate which took place on Lord Sihra's Memorandum on the position of Indians in the self-governing colonies and the resolution on the subject placed before the Conference, Mr. Barton said :

'As far as we are concerned, it is only fair to say—and it is the truth—that we have found that the Indians in our midst in South Africa, who form in certain parts a very substantial portion of the population, are good, law-abiding, quiet citizens, and it is our duty to see that they are treated as human beings, and in a proper manner..... As far as we are concerned in South Africa, we are in agreement with this resolution, and also with the proposal referring the Memorandum to the consideration of our Government, and we will give it the most sympathetic consideration that we can, certainly.'

Yet, as soon as the war ended, the crusade against Indians was revived and an Act was passed in 1919 which curtailed the trading rights of Indians in the mining areas in the Transvaal and deprived them of their existing rights of acquiring landed property by forming registered companies and by becoming registered holders of mortgaged bonds over fixed property which had long been officially recognised. To-day, the Transvaal Indians acquire fixed property only in such streets, wards and locations as the Government for purposes of sanitation shall assign to them to live in. And the licensing laws are administered in such a manner as to bring about the

ruin of Indian traders. Cases have occurred in which municipal councils refused licences to Asiatics on the sole ground of their nationality.

THE ASIATIC ENQUIRY COMMISSION.

In 1920 the cry was raised that there had been a large unlawful influx of Indians into South Africa and a commission known as the Asiatic Enquiry Commission was appointed to enquire into the provisions of the law affecting the acquisition of land by Asiatics and their trading rights. The Commission found that the allegation that the number of Indians had greatly increased in recent years and was continuing to increase was wholly unfounded. Neither in the Transvaal nor in Natal had any material increase in the Indian population taken place. Allegations with regard to the competition between Indian and European traders made by highly respectable and representative witnesses were found to be greatly exaggerated. Said the Commission :

'And a great many European witnesses of repute testified to the honesty and fair dealing of Indian traders and considerable number of well-known wholesale merchants described them as thoroughly reliable men to deal with. In fact, complaints were made by European retail traders that Asiatics have an advantage over them, in being able to secure better terms from wholesale merchants.'

In the Transvaal itself where the colour prejudice is intense, testimony in favour of Indian trader was forthcoming :

'Appeals were made to the Commission by members of the farming community not to interfere with the trading rights of Asiatics in country districts. It was pointed out that, if they are debarred from trading, the farmers would be left at the mercy of the alien European trader who is alleged to be far worse than the Asiatic. The latter, it is said, is honest in his dealings, sells at reasonable prices, gives credit in retail and does not press his creditor unduly ; while the former is often dishonest, generally exorbitant and exacting, and aims at eventually getting a mortgage on the land of his debtor.'

The fact is that charges are brought against Indians from time to time not because there is any reality in them, but in order to have some pretext or other for their expulsion from South Africa. Wrote the Commission :—

'Several witnesses advocated compulsory segregation both as to trade and residence, candidly stated that they supported it only as a means to an end, that end being to drive Asiatics out of the country.'

And this statement, although made with regard to the Transvaal, applies equally to Natal where representative farmers

'expressed very strong views as to the desirability of "eliminating the Asiatic" from the country which, they admitted, was the object aimed at by their representations.'

According to the statement made by Sir B. N Sarma during the debate in the Council of State on the Immigration into India Bill, while there are 6 million Africans and 1½ million whites in South Africa, the total number of Indians is only about 160,000. They are outnumbered in the ratio of 10 to 1 by Europeans and the Union Immigration Act effectually prevents the entry of new Indians. These facts must make it obvious to the meanest understanding that the agitation against Indians on the ground that they might swamp Europeans is baseless and that it is founded on the lowest prejudices that can degrade human beings.

In 1921 further attempts were made to encroach on the rights of Indians. In 1922 or 1923 the Natal Provincial Council was, it is believed, encouraged by the Union Government to enact an ordinance prohibiting Indians in the Durban municipality from making purchases at public sales of municipal land. Last year an ordinance was passed depriving Indians in Natal of the

municipal franchise that they had exercised ever since it was instituted in their provinces. The deputation headed by Sir Dinshaw Petit, Bart. and including both Indians and Englishmen which waited on his Excellency the Viceroy on the 28th January stated that the municipal franchise was solemnly assured to Indians by the Natal Government when they were deprived of the parliamentary franchise in 1896. This statement is supported by Mr. Polak, the true and tried friend of Indians abroad, who said in his pamphlet, the 'Indian of South Africa' which was published in 1909, that

'the late Sir John Robinson and Mr. E. Secombe, formerly Premiers of Natal, expressly promised the Indian community that their municipal franchise would never be taken away from them.'

But, evidently in the ethical code of the South African whites, a promise given to non-whites has no binding force and may be set at naught as soon as the purpose for which it was made has been accomplished.

THE COLOUR BAR BILL

Another attempt was made in 1924 to humiliate Indians. General Smuts, who had used conciliatory words at the Imperial Conference of 1923 soon after his return to South Africa introduced into the Union Assembly the Class Areas Bill which provided for the commercial and residential segregation of Indians in municipal areas throughout the Union. Owing to the general election which took place in South Africa early last year and which resulted in the defeat of General Smuts, the Bill lapsed. But general Hertzog, the new Prime Minister, while stating to the Union Parliament that he would not proceed with the Class Areas Bill, committed the Government to the principle of segregation in urban areas and promised to bring forward a suitable measure to give effect to that policy. The Mines and Works Act Amendment Bill, which was introduced by General Hertzog's Government, restricted the employment of Asiatics and Africans in certain occupations and was an attempt to drive Indians out of South Africa. Neither Indians nor Africans were allowed to put their case before the select committee and the Bill though opposed by General Smuts, was passed by the Union Assembly. The Senate, where General Smuts commands a majority, however threw out the Bill. It was believed that the rejection of the Bill would relieve our countrymen of anxiety at least for a year and give the Government of India time to enter into negotiations with the Union Government. But a new Bill, apparently more extensive in its scope than the rejected Bill, has already been introduced into the Union Parliament and as it proceeds on the principle which underlay the Class Areas Bill for which General Smuts' Government was responsible, it is unlikely that it would encounter any difficulty in its passage through either House of Parliament. The Bill not only aims, like the Class Areas Bill, at the residential and commercial segregation of Indians, but also restricts the right of Indians to acquire land, specially in Natal. It also proposes to amend the Immigrants' Regulation Act with the object of putting a stop to the alleged influx of Indians, especially women, which was disproved by the enquiries of the Asiatic Enquiry Commission and the Census of 1921 which corroborated their conclusions. Mr. Polak's cablegram makes us fear that, like the Class Areas Bill, the new Bill also applies to the Cape Indians who enjoy the parliamentary franchise. They were able last year to secure their exclusion from the operation of the Class Areas Bill by enlisting the support of the Cape members of the Assembly. But there is no certainty that they will be equally fortunate this year. Indeed, the rancour with which

the new Government is pursuing Indians makes us fear that Cape Indians too will be reduced to the position of helotry which Indians in the Transvaal occupy. The Union Government accused Indians of violating the Smuts-Gandhi agreement by continuing to acquire land in the Transvaal under the provisions of certain laws which enable them to defeat the law prohibiting them from acquiring land except in areas set apart for them. Have their acts since 1918 been even remotely in conformity with the letter or spirit of that agreement? In proportion as the Union Government have felt that Indians have been weakened by the death of their leaders or their departure from South Africa, they have shown a stronger determination to act in utter disregard of the agreement and to crush life out of the Indians.

The Minister of the Interior declared in the Union Parliament that the Bill proceeded on the assumption that the Indian was an alien in South Africa. It is a well-known fact that Indians went to South Africa at the request of the Natal Government and that Natal owes all its prosperity to Indian labour. It is known to-day as the 'Garden of South Africa.' The Asiatic Enquiry Commission stated that more than half the Indians in Natal were born in South Africa and the deputation that waited on the Viceroy in January 1925 said that two-thirds of the Indian population in South Africa was born there. Nevertheless, Indians are to be treated as aliens and the European filled with racial pride, greed and hypocrisy is to be treated as the rightful owner of the country and given the monopoly of all its resources.

The authority of the Asiatic Enquiry Commission has been quoted in favour of some of the provisions of the Bill. It is true that the Commission was in favour of the allocation of separate areas for residential and commercial purposes for Asiatics in the Transvaal and Natal believing that if the areas were suitably and properly looked after by the municipal authorities, Asiatics would voluntarily occupy them. It also recommended that Asiatics should be prevented by legislation from acquiring land except in the coastal belt 'extending (say) from 20 to 30 miles inland,' on the ground that this would be regarded as no great hardship by Indians as they were adopted to it by country farming and the climate and system of agriculture in the coastal belt suited them best. It must be pointed out, however, that these recommendations have been strenuously opposed by Indians. Besides, Mr. Duncan Baxter, one of the members of the Commission who opposed the proposed restriction of the right of Asiatics to acquire land in Natal to the coastal belt, observed:

'It seems to me a retrograde proposal inconsistent with other conclusions in the report, which are founded on the idea of voluntary separation and not compulsory. It is also a restriction of existing rights of ownership and, in the case of ex-indentured Indians and their descendants, a breach of the conditions of recruitment which I think should be scrupulously adhered to in the interests of good feeling and the sense of fair play, so necessary in our relations with the Indians in South Africa and the Government of India.'

It would be vain to hope that South Africa which is lost to all sense of honour and fairplay would pay the slightest consideration to these wise words. The Commission unanimously recommended certain changes in their licensing laws which would have made the position of Indians easier. What steps have been taken to give effect to them by a government which is ever ready to invoke the authority of the Commission in support of the racial bitterness that fills its heart? Indians have for long enjoyed the same rights as regards the ownership of land in Natal which owes all its present position

to the industry of those ill-paid and down-trodden men and we cannot consent to any abatement of these rights because of the blind prejudice which is entertained towards them by European farmers in Natal and which is being deliberately pandered to by the South African Government.

Our position with regard to segregation is equally clear. It is a bare-faced attempt to squeeze Indians out of South Africa. Besides, we are surprised that the Commission which condemned the locations set apart for Asiatics in the Transvaal because of their neglected and insanitary condition and found the conditions in one of them to be so 'appalling' as to be compelled to write 'it is difficult to conceive of a worse slum existing in any part of the world' should have recommended segregation. It certainly made it clear that residence in segregated areas should be wholly voluntary, that the Asiatic quarters for trading purposes should be located within municipal limits, and that a specially selected board should be entrusted with the allocation of areas for purposes of trade and residence. But apart from the question of principle, what Indian can place any faith in the good intentions of the Union Government? The conditions that exist in old locations would be reproduced in the new areas, and what is worse, the policy of voluntary segregation would at no distant date culminate in compulsory separation.

Amongst the grievances of the Europeans against the Indians which were laid before the Asiatic Enquiry Commission, there are two to which special attention should be drawn as they reveal the real causes of the European antipathy towards Indians. Indians 'cannot be assimilated and their presence is menace to European supremacy.' They 'destroy the respect of natives for Europeans.' They have been admitted to be quiet and law-abiding citizens. Charges of commercial dishonesty brought against them have been disproved. The Commission received scarcely any objections as regards Asiatic trading from the leading European merchants of Natal. The poorer sections of the population represented to the Commission that they were of great benefit to the public and more than half of them know no other country save South Africa. Nevertheless, they are to be regarded as a pest which South Africa should get rid of at 'voluntary repatriation.' Having failed, pressure is to be used to supplement the 'inducements' held out to them to leave the country. The head and front of their offence is that they stand on their self-respect, that they are tenacious of their rights and that their example might in course of time rouse the consciousness of the natives who are at present but as the dust beneath the feet of the Europeans. This is the real reason of the implacable hatred of the Europeans towards them and of the persistent and heartless attempts that are being made to render them homeless and penniless.

What are the Government of India, and the British Government who are to no small extent responsible for the degradation of Indians in South Africa, going to do in this crisis? We are aware that the Government of India have no means of bringing effective pressure to bear on the Union Government. But they have the power to vindicate India's self-respect. The Immigration into India Act was passed in February, 1924, but no action has so far been taken by Government to implement it. They practically opposed it both in the Assembly and in the Council of State. They objected to the idea of retaliation. They were afraid of wounding the susceptibilities of the dominions. Said Sir Narasimha Sarma in the Council of State:

'They are by no means happy with regard to this piece of legislation. Let me make it also plain and clear that the Government do not undertake without the gravest con-

deration being given to the subject, to take any steps which may be calculated to do more harm than good to the Indian people resident in those dominions, to India in particular and to the general common good of the British Empire.....But acting on the understanding that they have got the power to choose the time, the occasion and the dominion in respect of which any rules may have to be framed, and that they are given complete liberty to judge as to whether any rules have to be framed having regard to the interests of Indians resident abroad, here and to the good of the general Commonwealth, they do not intend to oppose the motion of Sir Devaprasad Sarbadhikari for the consideration of the Bill.

This was an intimation to India and the dominions that the Act would remain a dead letter. And Government have been as good as their word. They have taken no steps so far to frame rules under the Act to give effect to a policy which was accepted by the Imperial Conference as far back as in 1918. The Government of India are still consulting the good of the general Commonwealth and have yet found no dominion in respect of which rules should be framed. They are afraid lest any retaliatory action which they may take should destroy all chances of an amicable settlement at the round table conference originally suggested by Mr. Thomas (the Colonial Secretary), which they have asked for. South Africa has no such fears. It brings forward an intensely anti-Indian piece of legislation before going into the conference in order to strengthen its hands in its negotiations with the Government of India. There is time yet for the Government of India to rise to the height of the occasion and protect Indian honour by retaliating against South Africa, particularly through her coal trade which adversely affects Indian interests and facilities for the growth of which are an insult to the whole nation. The princes and the people of India have the same feelings on the question of the treatment of Indians in South Africa. It is the primary duty of the Government of India to act as a national Government at this juncture. Our countrymen in South Africa are faced by a situation of unparalleled danger. This is no time for hesitation and small expediences. The good of India should indisputably be placed above the good of the 'Commonwealth,' for which no dominion seems to care. An Empire in which we are to be hewers of wood and drawers of water can be nothing but a bitter mockery to us. (*The Leader, Allahabad.*)

The Colour Bar Bill

Readers of the Register are aware that on the 25th June 1925 the Colour Bar Bill passed its third reading in the House of Assembly by a majority of votes. Mr. C. F. Andrews' statement on the situation created in South Africa by the passing of the Bill into law clearly brings out the extent of the humiliation inflicted on Indians there. (see Vol. I.) The British Empire prided itself on the fact that it was free from the odious taint of legislation based on the colour of the skin, and the British Premier waxed eloquent on the last Empire Day on the high principles of equality and brotherhood in the partnership of the Empire. The passage of the Bill in the South African Assembly by a large majority laying down the colour bar against natives and Asiatics gives the lie direct to the utterances of the British Premier and marks the culmination of a policy of racial arrogance

which cannot conduce either to the prosperity of the white settlers in South Africa or to its economic development. The following able comments of the *Nation* and the *Athenaeum* show how General Hertzog, the South African Premier, acted deliberately in a high-handed manner during the passage of the Bill :—

"General Hertzog appears to be bent on playing Pharaoh to General Smuts's Moses. To every appeal for a broader and more sympathetic treatment of South Africa's problems of race and colour he replies only by hardening his heart. The Colour Bar Bill is sufficiently mischievous in itself ; he is forcing it through in a manner calculated to arouse the maximum of ill-feeling. Last April the Transkei Native General Council, the most authoritative native organisation in the country, asked leave to present a petition against the Bill, and to be heard at the Bar of Parliament. General Hertzog refused their request, but promised that the Council would be allowed to give evidence before the Select Committee. It has now been decided that the Committee shall not take evidence. The argument appears to be that the natives wish to give evidence on the principle of the Bill, which has already been accepted by the House on the second reading ; but this quibble is not likely to satisfy the natives ; and when Sir Drummond Chapling, a member of the Committee, raised the question in the House, General Smuts implored the Government to reverse a decision which natives and Asiatics would regard as a breach of faith, as well as a denial of justice. General Hertzog, however, was adamant and the motion was defeated in a division on strict party lines. The consequences of this wanton provocation are likely to be serious".

SENATE REJECTS THE BILL

On the 2nd July 1925 the Bill came up for discussion and final ratification in the South African Senate. On this day the second reading of the Bill was moved and speeches were made strongly opposing the Bill. On the 7th July the debate was resumed in the Senate and speeches delivered for and against the Bill was on a high level. Ultimately the Senate rejected the Bill by 17 votes to 13. It is a curious coincidence that the South African Senate rejected the Bill on the same day on which Lord Birkenhead called upon the Dominions, from his place in the House of Lords, to remember that "in every measure they took they should exhaust every effort to avoid such discrimination as must deeply wound the ancient and dignified peoples of India".

The principle speakers on this day (7th.) were Mr. De Wet, Leader of the Opposition, and Mr. Beyers, Minister of Mines.

Mr. De Wet went so far as to assert that the real motive behind the Bill was once for all to establish European superiority in the industrial world. The Bill was nothing but a cry of despair. He agreed that if the white man was to continue his existence in this country by a policy of oppression, he would rather see European Civilisation in South Africa ended.

Mr. Beyers on the other hand maintained that the abandonment of the colour bar meant the wiping out of white civilisation in South Africa and concluded with a lengthy speech in which he declared that the Government was fully conscious of the importance of the Bill which could not be further reconsidered. The Government's mind was made up. There was no chance of altering its decision. The Government considered it desirable that the Bill should become law as soon as possible.

The New Class Areas Bill

The rejection of the Colour Bar Bill by the South African Senate led many people to believe that it would relieve India of anxiety at least for a year and give the Government of India time to enter into negotiations with the Union Government. But a new Bill, more extensive in its scope than the rejected Bill was introduced in the Union Parliament a fortnight later, and as it proceeds on the principle which underlay the Class Areas Bill for which Genl. Smuts' Government was responsible, it is unlikely that it would encounter any difficulty in its passage through either House of Parliament.

As it is very difficult to understand the far-reaching implications of the Bill without a study of other enactments relating to immigration, Asiatic registration etc. which it proposed to amend, we give below a communication dealing with the provisions of the Bill, received by the Indian Press by the middle of September, under the signature of Mr. Amed Bayat, the President and the two Joint Secretaries of the Natal Indian Congress. We commend a careful perusal of it to our readers.

An Analysis of the Provisions of the Bill

"The South African Indian Community are faced with impending repressive legislation which vitally affects their residence, both legal and otherwise, in this country. The Minister in introducing the Bill assumed that the Indians were aliens.

"The vested interests of the Indian community who have been here for nearly a century are large enough to necessitate immediate action and protest on our part, but being voteless, our protest so far can only be raised ineffectively. Our salvation lies wholly and entirely in the sober influences that you might exert upon the Indian and British Governments, and for this reason we ask that apart from our efforts here you for your part take immediate steps to prevent the proposed legislation ever becoming law. A copy of the proposed Bill which was introduced in the past session of the Union Parliament is sent to you with this letter and also a copy of the various sections of the laws which this Bill seeks to alter or add to, so that you may better appreciate the effects of the changes it seeks to create.

"The present Bill is divided into four chapters, the first chapter deals with reservation of areas, the second with amendments to the Immigrants Regulation Act, the third with the registration of Asiatics in the Transvaal and the fourth is supplementary.

CHAPTER I.

"Before discussing this chapter, the reader must be told that at present in Natal and the Cape Provinces, an Indian is free to buy, sell or lease land. In Orange Free State and the Transvaal certain limitations in this respect exist, but the avowed object of the Bill being to affect Indians, as openly admitted by the Minister upon the first reading, and Natal having a population of 140,000 Indians, it is clear that we in Natal will particularly and immediately suffer because the present Bill provides for ;

"(a) Areas to be set apart in towns and cities and only in such areas shall Indians be permitted to buy and sell land. They will also have to trade in these areas only and no other. All businesses now existing elsewhere under lease shall cease by effluxion of time of the current lease or by the death of present lessee. This means that within a very short period of time most Indian businesses will cease to exist outside of the area. Indian property owners who to-day are receiving fair rents will be deprived of their reasonable income because their business and residential places will not be taken up by the European community at a fair rental. We would point out that this portion of the Bill deliberately takes away what we now have and practically compulsorily forces up into segregated areas in towns and cities.

"(b) This chapter further provides that the Governor-General may proclaim that no Indian shall buy or lease land more than 30 miles away from the coast line except from an Indian within that 30 miles. If by proclamation areas are set apart within those 30 miles, then Indians will gradually, in the same way as townships and cities by force of circumstances, be compelled to go into these areas. This means that Indians will be debarred from purchasing or leasing properties anywhere in the province as they now are entitled to do and will, upon the completion of their present leases, be compelled to give up their residence and to close down their businesses, or go into the area if there is one within the said 30 miles, and if there is no such area proclaimed that business must necessarily cease. On a hurried computation it is estimated that 500 to 700 Indian business premises in the country are likely to be affected. Apart from this an Indian business or landed property outside of the 30 miles cannot be sold or leased to another Indian.

"Moreover the Bill empowers the Governor-General not only to proclaim areas but also to deproclaim such areas in part or in whole, which means that even after an area has been proclaimed and occupied, no sense of security is enjoyed because the Governor-General can deproclaim such area. It is clear the intention of the Bill is to oust the Indian from his present vested proprietary rights and give him practically nothing substantial in place thereof, but virtually makes him a squatter and that at the wish and will of the Minister.

"The effect of the operation of these two clauses alone will cripple the whole life and trade of the Indian community and absolutely without the shadow of a doubt crush out all Indian agricultural work, progress and prospects. In plain language without considering any other phase of the Bill the fate of the Indian is sealed, and we are doomed to a legal if not physical death.

"This chapter is based upon the recent class Areas Bill which the late Smuts Government had on the tapis, but which fell through when the Government changed.

CHAPTER-II.

"This chapter deals with immigrants' regulation. The drastic changes suggested absolutely place into the hands of the Minister and the immigration officer almost unlimited power to deal with the entry and possible deportation of Indian who have lived in this country for many years.

"Section 14.—At present an Indian who outstays for a period of three years upon entering the port is required to prove his domicile, notwithstanding that he may already then actually have his certificate of domicile. He is declared a prohibited immigrant and upon payment of a sum of money which by practice £31 (thirty-one pounds sterling) is found sufficient to cover, and as up till now accepted, is allowed to procure the necessary evidence and prove his domicile.

" Experience has shown that even this amount was not always easily obtained and our community is unaware of any Indian forfeiting this deposit and absconding and remaining in the country; the community therefore sees no reason for the immigration officer being empowered to make the deposit anything up to £100 (one hundred pounds sterling), as this section provides for. It is quite conceivable that with the present tension of feeling against us as a community the officer might impose such an amount of bail as to effectively preclude an Indian immigrant being free from custody to procure the necessary evidence to prove his domicile.

" It is felt that a capricious officer can easily do tremendous injury to a large number of bonafide domiciled Indians who may seek entry.

" Section 1.—This section seeks to revert certain two districts of Natal, namely, Urecht and Vryheid to the Transvaal province. The intention clearly is that the Minister shall be entitled so soon as he pleases to declare all Indians in these two provinces (districts ?) to be prohibited immigrants under what is now known as the 'Deeming Order.' This order was made by the Minister under section 4 sub-section 1, paragraph (a) of the Immigrants Regulation Act of 1912 by virtue of which he declared all Asiatics to be economically unsuited to the requirements of the Union, and therefore prohibited immigrants. (The validity of this order was tested in the South African appellate court but it held that the Minister's order was correct in terms of the said section) The effect of such an order will be that hundreds of Indians now there will be compelled to return to their place of origin or domicile which may be Natal or India, but most probably India, because, as will be shown later, the majority of such persons there are Indians who are descendants of such Indians who originally came here under conditional residence under Act 17 of 1895 and have acquired no domicile in this country. By such an order, hundreds of Indians can be disposed of without the hope of a successful appeal in view of the aforesaid 'Deeming Order.' We object to this because so long as those two districts remain part of Natal, a large majority may be able to claim domicile in Natal.

" Section 16, Sub-section (c).—With regard to section 16, sub-section (c) in this Bill, it is sought to delete paragraph (d) of sub-section 2 of section 4 of Act 22 of 1913, which means that a large number of Indians who have entered Natal and Cape Colony under the education test may be declared prohibited immigrants under the 'Deeming Order,' if they applied at the ports of the Union for entry. The deletion clearly takes away a right which we to-day enjoy.

" Section 17.—Section 17 requires very close study and investigation to understand the full meaning and effect of it. It is far-reaching and fraught with the gravest of consequences. The previous Minister as aforesaid has declared all Indians to be economically unsuitable. The Minister in introducing the present Bill has referred to Indians as aliens. If all Indians, that is to say British Indians and Indians of the native states, are said to be aliens then all Indians are necessarily prohibited immigrants, for if the legal interpretation of the word 'alien' be made use of, then Indians of the native states who are here in large numbers will be undoubtedly prohibited immigrants.

' The proposed new section (c) speaks of prohibiting any person whose parents were at the time of his birth lawfully resident and such residence was restricted to temporary or conditional residence by any law then in force.

" Under Act 17 of 1895 large numbers of Indians came here under terms of conditional residence, and their offsprings, now the cream of the Natal-born Indians numbering thousands born within the past 30 years,

may possibly be also prohibited immigrants, because at the time of their birth their parents were restricted to conditional residence.

"We, however, think it proper to point out that the Indian community may successfully meet this position by claiming that the Government through its Minister has issued certificate of discharge to those who came under conditional residence under Act 17 of 1895, thus waiving all claims of conditional residence. It was one of the points raised immediately after the 1914 settlement with Mr. Gandhi and correspondence shows that it was the Government's view to grant these Indians complete domicile and the community certainly resents to have to face the ordeal of any test cases, not because of the result, but because of the inconveniences and expense. The question is, why should a settled right be interfered with?

"The proposed amendment continues to make a person a prohibited immigrant if he is a person who comes under the 'Deeming Order' and who has acquired a domicile in a province of the Union where he was not born. All Asiatics as such may be at the port of entry declared as prohibited immigrants and hundreds of Indians who have acquired domicile with vested interest in other provinces of the Union and any such person returning to this Union even from a neighbouring province, will be a prohibited immigrant; this means his domicile in the one province counts for nothing and he cannot take advantage of his birthplace because:

(a) He has already given up his domicile of birth.

(b) He is a prohibited immigrant;

He cannot therefore enter at all, notwithstanding any right of vested interests.

"This section proceeds to say that the wife or child of an exempted person returning to the Union within five years from 1st August 1925 or within 10 years of the first entry of such exempted person shall not be prohibited. This means that every Indian now in this Union must either before 1st August 1930 bring back his wife and children into the Union, or within 10 years of his first entry into the Union. The effect however is that an Indian cannot after 10 years from now go to India, marry there, and bring back his wife. This is clearly an infringement and restriction of personal right and liberty.

"Notwithstanding the fact that this new Bill gives unexempted Indian the right to bring back his wife within five or 10 years as the case may be, yet by a further provision in this new Bill he would be prevented from bringing in such wife if it could be shown that:

"(a) he already has a woman still living in the Union with whom there exists a union recognised by this Government, or

"(b) any child or children in the Union by any woman at all is still living.

"This means that an Indian marrying under the tenets of an Indian religion and not registering such marriage may have children and thereafter divorce this wife according to the Indian religion and thereafter she becomes the registered wife of some other man or remains unmarried, then the first husband cannot go to India and bring a legitimate wife because he has a child resident in the Union by a woman who is still living though not his wife. This heavy punishment is unjustifiable and unproportionate, and is a ban not imposed upon any community in the world.

"The definition of 'the child under the age of sixteen' is such as to debar an illegitimate child whose parents later on marry and are looked upon as persons whose marriage could have been registered under section 2 of the Indians Relief Act 1914, because the child was at the time of its birth not born of parents who were married at all. Under every law of civilised people it has been held that subsequent marriage legitimatises

birth ; consequently the Indian community hold that all children born of parents who ultimately marry and whose marriage is recognised under the Relief Act should be treated as legitimate children.

" Section 18.—With regard to section 18 of the new Bill which seeks to make an addition to section 10 of Act 22 of 1913 we desire to point out that the addition is quite unnecessary, as the present practice is that an Indian even already in the Union may be arrested and declared a prohibited immigrant and dealt with under section 19 of Act 22 of 1913. Many cases have already been so dealt with.

" Section 19.—As regards section 19 of this Bill which makes the addition to section 22 that for an offence for which imprisonment without a fine is imposed and that such person may be declared a prohibited immigrant, we desire to say that with this addition and the whole section being read together, any person in the Union who has ever been sentenced to imprisonment without the option of a fine whether before or after the passing of Act 22 of 1913 can be declared by the Minister to be an undesirable inhabitant and be deported.

" If for any reason the Government do not exercise their authority, harsh though it may be, the addition still is an incentive to the judicial functionaries influenced by the administrative section to impose punishments without the option of a fine so as to provide ground for the Minister to secure his necessary number of victims for deportation. This power should never be given to anybody because many of the offences are sometimes best suitably dealt with by imprisonment only, but the circumstances of such offence may never be so grave as to justify deportation. The discretion given to the Minister may never be nor can be from past experience expected to be exercised in our favour.

" Section 20.—Section 20 of the present Bill will affect a large number of Indians, in that they will be compelled to give up a dual domicile in the Union, because many persons hold a domicile, for instance, in the Transvaal, by birth or residence, and have also similarly by birth or residence have a domicile in Natal. This right will by the operation of the law cease to exist in three years, which means that the large vested interests in one or other of the provinces cannot be effectively dealt with or protected by the owner and such businesses must necessarily be closed down.

" Again Indians including those born in the Union by their mere absence from the Union for more than three years at a time lose their domicile. This appears to be in conflict with all known laws as regards domicile because this Bill takes away and does not give effect to a man's legal intention as to his own domicile. This also entirely takes away the present established right preserved to an Indian by virtue of his certificate of domicile. In order to preserve domicile a person must return within the three years and then may immediately leave again for another three years. What is to be done with a South African born Indian who absents himself for more than three years and thus loses his domicile? Where is he to go? This surely renders the Act farcical and places the Indian under great inconvenience and unnecessary expenses with no corresponding benefit to anyone. The same argument applies to those who under the amendment are required to return before 1st August, 1928.

" The provision empowering the Minister to issue permits for a longer period than three years is not obligatory and should be, as we expect, refuse all applications as a matter of course, then there is no relief from such decision. We feel that the whole of this section deprives us of our common law rights of freedom and restriction of personal movements. This condition of things must not be allowed to come into existence.

CHAPTER III.

"Chapter III applies to registration of Asiatics but deals only with those whose registration should be effected in the Transvaal. The present provisions of Act 36 of 1908, in the Transvaal gives a magistrate a right to grant a period of eight days to an Indian to have himself registered, but the present amendment takes away this right and places an Indian's application wholly at the discretion of the Minister. It is felt that this is likely to operate adversely to the Indian and the present law should not be disturbed.

Conclusion.

"The last comment we make on the Bill is that it is to be made retrospective as from the last day of August, 1925. The Minister in his first reading explains that he was doing this so as to prevent a scramble by the Asiatics to become possessed of vested interests before the Bill could become law. This retrospective operation is bound to affect all transactions in regard to land amongst the Indian community. As a matter of fact it has already crippled and effectively restricted transactions in the buying and selling of freehold properties. It is superfluous to remark that this position is unprecedented in the annals of any country.

"We shall by every fibre in our system endeavour to calmly and constitutionally protest against this Bill, but from past experience and from present knowledge of the existing race prejudice, we are constrained to believe that our representations will be futile. We, however, do believe that with concerted action of Indian influence from India and its Government acting with the British Government we may enjoy the protection which was preserved to us in the South Africa Act section 147 which provides that: "The control and administration of native affairs and of matters specially or differentially affecting Asiatics throughout the Union shall vest in the Governor General in Council," etc. etc.

"Is this protection to mean nothing to us? Is the British Government a weak reed and unable to-day to protect its subjects? Is the Indian Government unmindful or indifferent to its Indian subjects—outside of India? Is Indian representation on the League of Nations to count for naught?

"If the answers to the foregoing questions are important, then we reply upon your obtaining those answers for us."

Text of the Class Areas Bill

The following is the full text of the Bill which is named as the Areas Reservation and Immigration and Registration (further Provision) Bill:—

To make provisions for the reservation of residential and trading areas in urban areas for certain persons having racial characteristics in common; to amend the Immigrants Regulation Act 1913 (No. 22 of 1913), the Indians Relief Act 1914 (No. 23 of 1914), and the Asiatic Registration Amendment Act (Transvaal), 1908 (No. 36 of 1908); and to amend or repeal certain laws.

Be it enacted by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa as follows:—

CHAPTER I.—Reservation of Areas.

(1) Request by Urban local authority for application of Chapter I.—(1). Whenever an urban local authority shall intimate to the Minister,

(a) that any area within its limits is wholly or for the greater part occupied for residential or trading purposes or both such purposes by a particular class of persons ;

(b) that it is desirable that the provisions of this Chapter should be applied in respect of such area, the Minister may appoint a commission consisting of not more than three persons (hereinafter called the commission) to investigate and report upon the desirability of applying to such area and to the urban area within which it is situated, the provisions of this Chapter.

(3) One of the members of the commission shall be designated by the Minister as the chairman thereof and the Minister may make rules for the conduct of the business of the commission and governing the tenure of office of the members. In the event of the commission consisting of three members, two members shall form a quorum.

(3) Duty and powers of commission. —

(1) It shall be the duty of the commission to enquire and report to the Minister upon the following matters :—

(a) The extent and nature of the area which was the subject of intimation under section one ;

(b) the number, dimensions, situation and nature of sites occupied in such area for residential or trading purposes or both such purposes as the case may be ;

(c) whether there would be afforded by such area proper and adequate facilities for residential or trading sites or both, as the case may be, for the particular class of persons concerned ;

(d) whether due and proper provision exists or is assured for water, lighting, sanitary and other necessary services with such area ;

(e) whether it is desirable that the provisions of this Chapter should be applied in respect of such area ;

(f) whether there is, within the limits of the urban local authority concerned, any other area which is wholly or for the greater part occupied for residential or trading purposes or both such purposes by the particular class of persons concerned, and if there be such other area, the extent and nature thereof and the number, dimensions, situation and nature of sites occupied in such other area for residential or trading purposes or for both such purposes as the case may be ;

(g) whether any other area within the limits of the urban local authority concerned is available for the exclusive occupation for residential or trading purposes or both such purposes by the particular class of persons concerned and

(h) any other matter which the Minister or the commission may deem necessary or desirable.

(2) The commission shall have all such powers, jurisdiction and privileges as were conferred upon the commission referred to in Ordinance No. 30 of 1903 of the Transvaal, and all and several of the provisions of that Ordinance shall "*mutatis mutandis*" apply in respect of the commission and its proceedings.

(3) Proclamation of class areas :—(1) At any time within 6 months after the receipt of the report of the commission, the Governor-General may by proclamation in the 'Gazette' declare that, on and after a date to be mentioned in the proclamation, the area defined in the proclamation shall be a class residential area, or a class trading area, or a class residential and trading area within the urban area.

(2) More than one area within the urban area may, by any such proclamation, be defined as class residential areas, or as class trading areas, or as class residential and trading areas, as the case may be.

(3) Notwithstanding anything contained in the Precious and Base Minerals Act of the Transvaal (Act No. 35 of 1908) or any amendment thereof, or in any other law, a class trading area or a class residential and trading area may be established under this Chapter on land within an urban area which, in terms of the said Act No. 35 of 1908, or any amendment thereof, is proclaimed land or land held under mining title.

(4) Acquisition of immovable property in class areas :—From and after the date mentioned in any proclamation issued under this chapter establishing a class residential area, or a class trading area, or a class residential and trading area, it shall not be lawful, save as provided in Section 10.—

(a) For any person other than a person of the class concerned to acquire immovable property or a lease or renewal of lease of immovable property within any such area ; or
(b) for any person of the class concerned to acquire immovable property or lease or renewal of lease of immovable property anywhere within the urban area save within the limits of the class residential area or of the class trading area or of the class residential and trading area, as the case may be :

Provided that nothing in this chapter contained shall apply to the renewal of a lease.

of immovable property where the right to renewal was held under a written lease existing at the commencement of this Act.

5. Trading in class trading area or class residential and trading areas:—(1) From and after the date mentioned in any proclamation issued under this chapter establishing a class trading area or a class residential and trading area within any urban area, it shall not be lawful for any licensing court, board or authority, or for any person authorized to grant or issue licences or permits to carry on any trade or business within that urban area.

(a) To grant or issue to any person other than a person of the class concerned any licence, permit or other authority to carry on any trade or business within the class trading area or class residential and trading area, as the case may be; or (b) to grant or issue to any person of the class concerned any licence or permit to carry on trade or business within the urban area elsewhere than in the class trading area or class residential and trading area, as the case may be.

Provided, however, that if the Governor-General is satisfied that it is in the general interests of the public that it should be permitted to persons of the class concerned or any restricted number of such persons to carry on any particular trade or business within the urban area elsewhere than in the class trading area or class residential and trading area, as the case may be, he may, by proclamation in the Gazette for such period as he may therein fix, exempt persons of the class concerned or a restricted number of such persons from the operation of paragraph (b) of this sub-section in respect of that particular trade or business.

(2) Nothing in this section contained shall be deemed to prohibit the grant to any person holding at the date mentioned in any proclamation issued under this chapter establishing a class trading area or a class residential and trading area within any urban area any licence, permit, or other authority to carry on any trade or business, which is actually being carried on, of a renewal of such licence, permit or other authority.

6. Extension or reduction of class areas:—(1) Whenever, in the opinion of the urban local authority concerned, any area established under this chapter as a class residential area or a class trading or a class residential and trading area, proves inadequate or more than adequate for, or unsuitable either wholly or in part to the requirements of the population of that class in the urban area, and the urban local authority deems it desirable to extend or reduce any such area or to alter the boundaries thereof, or to create a new class residential area or class trading area or class residential and trading area, the urban local authority deems it desirable to extend or reduce any such area or to alter the boundaries thereof, or to create a new class residential area or class trading area or class residential and trading area, the urban local authority may communicate its opinion to the Minister who thereupon may take all such steps as he may take upon receipt of an intimation under section one.

(2) All and several of the powers exercisable under this chapter in respect of the establishment of a class or residential area or a class trading area or a class residential and trading area shall be exercisable in respect of the creation of a new area or the extension or reduction of any existing area or like character or the alteration of (of) the boundaries thereof.

(3) Nothing in this section contained shall be deemed to affect in any manner whenever any right to the renewal of a lease of immovable property where such right was held under a written lease existing at the commencement of this Act or any right to the grant to any person holding at the date mentioned in any proclamation issued in pursuance of this section any licence, permit or other authority to carry on any trade or business which is actually being carried on, on a renewal of such licence, permit or other authority.

7. Suspensions of provisions of Act:—(1) If at any time the Governor-General is satisfied that a class residential area or a class trading area or a class residential and trading area established under this Chapter is inadequate for, or wholly or partly unsuitable to the requirements of the population of that class in the urban area concerned, and that, by reason of the delay which would necessarily take place in removing the causes of the inadequacy of unsuitability, serious prejudice would be suffered by that population unless the provisions of this Chapter in respect of such inadequate or unsuitable area be suspended, he may, by proclamation in the Gazette declare, that from and after a date to be therein mentioned, the provisions of this Chapter shall be suspended in respect of the class residential area or class trading area or class residential and trading area concerned.

(2) From and after such date the provisions of this Chapter shall in all respects cease to apply to the area deemed to be inadequate or unsuitable, and in respect

of such inadequate or unsuitable area, to the other parts of the urban area within which it is situated.

(3) The Governor-General may, whenever he may deem fit, re proclaim as a class residential area or a class trading area or a class residential and trading area, as the case may be, any area which has been the subject of a suspending proclamation under sub-section (1) of this section, or proclaim as a class residential area or a class trading area or a class residential and trading area under this Chapter any area which wholly or partly includes any area which has been the subject of a suspending proclamation under sub-section (1) of this section.

8. Class area for Asiatics to be deemed to be area in which under Law III, 1885 (Transvaal) Asiatics may own fixed property.—Any class residential area, or class trading area, or class residential and trading area established under this Chapter for any Asiatic race shall, for the purpose of Section II (b) of Law No. III of 1885 of the Transvaal, be deemed to be an area within which in terms of that law fixed property may be acquired and owned by Asiatics.

9. Class Advisory Board.—(1) For every class residential area or class trading area, or class residential and trading area established under this Chapter there shall be an advisory board consisting of not less than three persons of the class concerned resident within the urban area, in addition to a chairman who, in the case of a non-European class area, may be a European. The mode of election or selection of member of any such board, the period and conditions of office members, and the procedure of the board shall be defined by regulations made by the urban local authority and approved by the Minister.

(2) It shall be the function of an advisory board established under this section to advise the urban local authority in respect of any matter referred to it by such authority for advice, and not by-laws or regulations particularly affecting the interests of the class of persons concerned shall be made or withdrawn by an urban local authority unless the advice of such advisory board shall first have been contained in respect of the making or withdrawal, as the case may be, of such by-law or regulation.

10. Acquisition of immovable property by certain persons in Natal except in class areas prohibited :—(1) The Governor-General may, by proclamation in the Gazette, declare that from and after a date to be specified therein no member of any race indicated therein shall acquire immovable property or the lease or renewal of lease of immovable property in the Province of Natal save in the coast belt as provided in sub-section (2) of this section : Provided that nothing in this section contained shall be deemed to prohibit the renewal of a lease of immovable property held under written lease at the commencement of this Act.

(2) A person who is a member of the race indicated in any proclamation issued under sub-section (1) of this section may acquire immovable property or the lease or renewal of lease of immovable property in the coast belt from a person who is a member of the same race, but from no other person, except where the immovable property or the lease or renewal of lease of the immovable property acquired is within the limits of a class area established under chapter within the coast belt.

(3) From and after the date specified in any proclamation issued under sub-section (1) of this section, no member of any race indicated in such proclamation shall by testamentary disposition acquire any land or interest in land or the lease or occupation of any immovable property in the coast belt, except from a member of the same race.

(4) For the purpose of this section the coast belt means so much of the Province of Natal as lies between the coast line and a line to be defined by the Governor-General by proclamation in the Gazette corresponding as far as practicable with the coast line and drawn at an approximate distance of thirty miles therefrom.

(5) Nothing in this section contained shall be deemed to affect the operation within the coast belt of any other provision of this chapter.

11. Savings :—(1) Subject to the provisions of sub-section (3) of section three, section eight and sub-section (3) of section ten of this chapter, nothing in this chapter contained shall be deemed

(a) to affect the operation of Law No. 3 of 1885 of the Transvaal or any amendment thereof; of section two of Act No. 18 of 1918; or Act No. 37 of 1919; of chapter CXIII of the Orange Free State Law Book or any amendment thereof or of any other law prohibiting, restricting, regulating or in any way affecting the ownership or occupation of immovable property or trading by persons of non-European descent;

(b) to prohibit the acquisition by the Government or any urban local authority for educational, municipal or any other public purpose of the ownership or occupation of any immovable property; or (c) by devolution or succession on death whether under section on intestacy from a person of the same race; or

(d) to prohibit any executor of a deceased estate or any trustee in insolvency from holding any immovable property or trading under any licence where power to do any such thing is conferred upon him by any law;

(e) to invalidate or affect in any manner whatever any agreement or other transaction for the sale or purchase of land lawfully entered into prior to the date mentioned in any proclamation under this Chapter establishing a class residential area or a class trading area or a class residential and trading area or extending or reducing any existing area of like character, or altering the boundaries thereof.

12. Exemptions.—(1) The Governor-General may grant to any person a certificate exempting him either wholly or for such period as he may therein specify from all or any of the provisions of this chapter; and such person shall either wholly or for such period as the case may be, be so exempted.

(2) Nothing in this chapter contained shall be deemed

(a) to affect any person who is duly accredited to the Union by or under the authority of His Majesty or the Government of any foreign State, or the wife, family staff or servants of any such person;

(b) to refer to the natives as that term is defined in section twenty-nine of the Native (Urban Areas) Act, 1923, Act No. 21 of 1923;

(c) to refer to—

(i) persons born in the Union and ordinarily resident in the Province of the Cape of Good Hope who are members of the class or race known as "Cape Coloured" or of the dark class or race known as "Cape Malays";

(ii) persons born in the Union and ordinarily resident in the Union elsewhere than in the Province of the Cape of Good Hope who would, if resident in that Province, be regarded as members of either of the classes or races known as "Cape Coloured" or of the dark class or race known as "Cape Malays";

(iii) persons born in the Union and ordinarily resident in the Union elsewhere than in the Province of the Cape of Good Hope who would, if resident in that Province, be regarded as members of either of the classes or races known as "Cape Coloured" or "Cape Malays" and

(iv) the people known as Mauritius Creoles or St. Helena persons or their descendants born in the Union.

13. Interpretation of terms.—In this chapter unless inconsistent with the context—"class or classes of persons" includes any persons having in the opinion of the Minister, common racial characteristics, and all white persons shall be regarded as having common racial characteristics; "person of a class" or "member of a race" includes any company association of persons whether registered under any law or not in which one or more persons of the class or members of the race referred to have a controlling interest;

"Minister" means the Minister of the Interior or any other Minister to whom the Governor-General may assign the administration of this Act;

"Urban area" means any area under the jurisdiction of an urban local authority;

"Urban local authority" means any municipal council, borough council, town council or village council, or any town board, village management board, local board or health board.

CHAPTER II—Immigrants' Regulation.

14. Amendment of Section II of Act No. 22 of 1913:—Section II of the Immigrants Regulation Act, 1913, (hereinafter in this Chapter called the principal Act) is hereby amended by the deletion from sub-section (7) of the words: "sufficient in the opinion of the Minister" and the substitution thereof of the following words "fixed by the immigration officer not exceeding one hundred pounds."

15. Amendment of Section III of Act No. 22 of 1913:—Section III of the Principal Act is hereby amended:

(a) by the addition to sub-section (2) of the words "From any such opinion there shall be an appeal to the Appellate Division of the Supreme Court;";

(b) by the deletion from sub-section (3) hereof the following words:

"and 'a superior court having jurisdiction' shall mean the Principal Division of the Supreme Court which has jurisdiction where the board was sitting or any judge of such division or the Eastern Districts Local Division having jurisdiction or any judge thereof."

16. Amendment of Section IV of Act No. 22 of 1913:—Section IV of the principal Act is hereby amended:

(a) by the addition to paragraph (a) of sub-section (1) of the following words: "Provided that for the purpose of this section the Northern Districts of Natal, as described in section three of "The Northern Districts Annexation Act, 1902" (Act No. 1, 1902, Natal) shall be deemed to be included in the Province of the Transvaal; and

(b) by the addition to paragraph (f) of sub-section (1) after the words "have stolen" of the following words: "sodomy, bawdiness, any offence involving fraudulent conduct in connection with any insolvency"; and

(c) by the deletion of paragraph (a) on sub-section (3).

17. Amendment of Section V of Act No. 22 of 1912:—Section V of the principal Act as amended by Section three of the Indian Relief Act, 1914, is hereby amended by the deletion of paragraphs;

"(a) any person other than an alien who was born in any part of South Africa included in the Union and whose parents were at the time of his birth lawfully resident therein and were not at that time restricted to temporary or conditional residence therein by any law then in force: Provided that any person who, if he were a prohibition immigrant, would be included within any class of persons which has, in terms of paragraph (a) of sub-section (1) section four, been deemed by the Minister to be unsuited to the requirements of the Union or a ny province thereof shall lose the protection accorded by this paragraph if he has acquired or shall acquire a domicile in a province of the Union other than that in which he was born;

(b) any person who is proved to the satisfaction of immigration officer or in the case of an appeal to the satisfaction of the board, to be the wife or child under the age of sixteen years of any person exempted by paragraph (f) of this section:

(i) that the wife or child (as the case may be) is not such a person as is described in paragraphs (d), (e), (f), (g) or (h) of sub-section one of section four; and

(ii) that where the exempted person belongs to one of the classes described in paragraph (a) of sub-section (1) of section four, the wife or child (as the case may be) enters the Union within five years after the first day of August, 1925, or within ten years after the date of the first entry into the Union, whichever period may be the longer, of the person so exempted.

In the interpretation of this paragraph "the wife" shall include any one woman between whom and the exempted person mentioned there exists a union recognised as a marriage under the tenets of an Indian religion, notwithstanding that by those tenets the union of the exempted person with other women at the same time would also be recognised as a marriage; Provided that no woman shall be deemed to be the wife of such exempted person

(i) if such a union exists between him and any other woman who has under any law relating to immigration or to Asiatic registration been recognised within the Union as the wife of such person and has resided or resides or is domiciled in any province; or

(ii) if such exempted person has off-spring resident or domiciled in any province by any woman who is still living and a union shall not be for the purposes of this section be deemed to have ceased to exist by reason only of the fact that according to the tenets of an Indian religion it has been dissolved.

"The child under the age of sixteen" shall mean a child who is the off-spring of the exempted person and the wife as herein defined or the child of the exempted person and a deceased woman who if she had been alive could have been recognised at the time of the birth of the child as the wife (as herein defined) or whose union with the exempted person could have been registered at the time of the birth of the child as a marriage under section two of the Indians Relief Act, 1914.

18. Amendment of Section X of No. 22 of 1912.—Section X of the principal Act is hereby amended by the addition of the following words: Any such person may be declared to be a prohibited immigrant and dealt with in terms of section nineteen of this Act and if such person is in possession of a registration certificate or a certificate of domicile or any other document authorising him to remain in the union or any board to which he may appear, if it be proved to the satisfaction of the Board that such certificate or other document was obtained by fraudulent presentations by or on behalf of the holder, to order that such certificate or other document be cancelled and the holder thereof be dealt with as a prohibited immigrant. Provided that if such person fails to appeal to a board the Principal Immigration Officer concerned may exercise all such powers as to the cancellation of any certificate or other document as are by this section conferred upon a board.

19. Amendment of Section XXII of Act No. 22 of 1912.—Section XXII of the principal Act is hereby amended by the addition of the following paragraph:

(a) for any offence under section twenty, of this Act for which imprisonment is imposed without the option of a fine.

20. Amendment of Section 30 of the principal Act is hereby amended by the deletion of the definition of the term "domicile" and the substitution thereof of the following definition:—

"Domicile" shall mean the place in which a person has his present permanent home, or present permanent residence or, to which he returns as his present permanent abode and not for a mere special or temporary purpose; and a person shall not be deemed to have a domicile within the Union or any province (as the case may be) for the purpose of this Act unless he has lawfully resided therein for a continuous period of three years, otherwise than under terms of conditional or temporary residence permitted by this Act or any other law, or as a person under detention in prison, jail, reformatory or mental hospital, and a person shall be deemed for the purposes of this Act to have lost his domicile within the Union or any province (as the case may be) if he absents himself from the Union or that province (as the case may be) and does not return to the Union of that Province (as the case may be) within three years from the date of departure therefrom or in the case of a person who absented himself from the Union or any province (as the case may be) prior to the 1st August, 1925, does not return to the Union or that province (as the case may be) before the 1st August 1928; provided that in cases where a person proceeds overseas for a special or temporary purpose the Minister may authorize the issue of a certificate of identity under the provisions of sub-section (2) of section 25 of this Act allowing the person concerned to return to and resume his residence in the province named within the period specified in such certificate or any extension thereof not exceeding 10 years in all.

21. Amendment of Section 6 of Act No. 22 of 1914:—Section 6 of the *Indiana Relief Act, 1914* is hereby amended by the addition after the words "any port in India" of the words "or elsewhere."

CHAPTER III—Registration of Asiatics.

22. Surrender of Asiatic registration certificate:—A Registration certificate issued under the provisions of the Asiatic Law Amendment Act, 1907, of the Transvaal Asiatic Registration Amendment Act, Registration Amendment Act, 1908, of the Transvaal (Act No. 86 of 1908), may be surrendered by the holder to the Registrar of Asiatics and such surrender shall be conclusive evidence that such Indian has abandoned any right of or incidental to entry, residence or domicile in the Transvaal Province.

23. Circumstances in which application for Asiatic Registration certificate may be made:—If an Asiatic who has failed to make application for registration in accordance with the provisions of paragraph (2) of section five of the Asiatic Registration Amendment Act, 1908 of the Transvaal, shall satisfy the Registrar of Asiatics that such failure was due to some good and sufficient cause, the Minister of the Interior may, in his discretion, authorize the Registrar to receive an application for registration from such Asiatic and the application shall be dealt with in all respects as if it had been made in accordance with the provisions of the said section and all the provisions of Act No. 86 of 1908 of the Transvaal as amended by this Act which would have applied if the application had been so made shall apply accordingly.

24. Amendment of Section 7 of Act No. 86 of 1908 of Transvaal:—Section 7 of the Asiatic Registration Amendment Act 1901 of the Transvaal is hereby amended by the deletion of the words "save as in the next succeeding section is provided."

25. Amendment of Section 9 of Act of No. 86 of 1908 of Transvaal:—Section 9 of the Asiatic Registration Amendment Act 1908 of the Transvaal is hereby amended by the deletion of the words:

"Any Asiatic who falls upon lawful demand to produce such certificate shall, unless he is the lawful holder of a certificate of registration, be liable to be dealt with in a manner mentioned in section 8."

CHAPTER IV—Supplementary.

26. Repeal of laws:—The laws mentioned in the Schedule to this Act shall be and are hereby repealed to the extent set out in the fourth column of the schedule.

27. Short title and commencement of Act:—This Act may be cited as the *Areas Reservation and Immigration and Registration (further Provision) Act 1925*, and shall come into force on the first day of August 1925.

INDIANS IN SOUTH AFRICA

SCHEDULE

Province.	No. and year of Law.	Title or Subject of Law.	Extent of Repeal.
Natal	... Act No. 28 of 1897 ...	To protect unaccompanied Indians from arrest in mistake for absconding indentured Indians servants.	The whole.
Cape	... Act No. 37 of 1904 ...	The Chinese Exclusion Act, 1904.	The whole.
Transvaal	... Act No. 36 of 1908 ...	The Asiatics Registration Amendment Act, 1908.	Sections three, four, five (paragraph on six, eight, sixteen, seventeen, (paragraphs five and six).

The Bill in the Union Assembly

In introducing the Bill in the Union Assembly on the 23RD JULY 1925, Dr. MALAN, Minister of the Interior, declared that its late introduction would give the country an opportunity of ascertaining the policy of the Government who, in turn, would be able to profit by constructive criticism. The Asiatic problem was very pressing in South Africa. It was not for one particular party. It should be beyond party strife.

Dr. Malan briefly summarised the principles of the bill which, he said, would not satisfy the extremists as he endeavoured to steer a middle course. Some would consider he had gone too far, others not far enough. The bill started on the supposition that the Indian was an alien in the country. No solution would satisfy the country which did not result in a very considerable reduction of the Indian population, not by forcible means, but by a method of application of pressure to supplement the inducements held out to Indians to leave the country.

Dr. Malan said that the bill to a certain extent followed well-known lines like the bill introduced by the late Government, but it went a good deal further in the direction of carrying out the recommendations of the Asiatic Enquiry Commission. It dealt not only with resident and commercial segregation but also with land-ownership, specially in Natal. It also proposed to amend the Immigrants Regulation Act with the object of putting a stop to the influx of Indians, especially women, which was still going on to a considerable extent. A notable omission was that the bill did not deal with the issue of trading licenses.

Dr. Malan declared that he had tried to respect as far as possible the susceptibilities of the Indian population. The bill did not mention the Asiatics as a class except where it was unavoidably necessary to do so. He emphasized that the introduction of the bill must not be taken as closing the door to any negotiations or communications between the Government of the Union and India as regards the Indian question. On the contrary, he considered that a statement of the Government's policy as embodied in the bill would very materially help any further negotiations.

Replying to an interruption of General Smuts, Dr. Malan said it would not be in the public interest to make a statement at present with regard to the negotiations hitherto.

Dr. Malan wished to emphasise that whenever the bill might be passed it would take effect from the 1st August, 1925, the reason being that the bill respected certain vested rights and if this step was not taken, he was afraid there would be a general scramble among the Indian population for the creation of vested interests.

The bill passed the first reading.

Mass Meeting at Durban

The introduction of this Bill evoked an all-round protest in South Africa and India and a mass meeting of Natal Indians, attended by delegates from all over the province, was held at Durban on August 31 under the auspices of the Natal Indian Congress to protest against the Bill. Several prominent Europeans, including Mr. F. A. Laughton, K. C., the Rev. A. Lamont, Dr. Sage and Captain Elliot attended the meeting. Mr. Amed Bayat, the chairman, in analysing the provisions of the Bill described the policy of segregation of Indians as 'retrogressive' and the immigration provisions as 'alarming.' In conclusion he made an appeal for the avoidance of extravagant or wild language and said: 'We are British Indians and we have earned a name by being law-abiding, but no one can question our right to quarrel against unjust laws.' After the chairman delivered his speech, Mr. Laughton spoke feelingly on the position of Indians. He described the position as a serious and complicated one and declared that Indians who were born there were British subjects and entitled to the same protection as Europeans. He laid stress on the fact that the Indians had acquired much landed property in Natal, had established extensive businesses and had contributed largely to the rates and taxes without having any voice whatever in legislation. To him it appeared as monstrous to deport forcibly with the aid of the police an Indian as to shoot him. 'Yet this is the remedy in effect' he observed, 'advocated by the Minister who introduced the Bill before us, because he frankly admits that he expects the effect of the Bill to be a large reduction of the Indian population by making things so hot for them that they would be compelled to go without the assistance of the policeman.' He declared that freedom had ever been the guiding star of Englishmen and Dutchmen alike and he asked whether those who fought for their freedom were going to be the oppressors. He told his fellow-countrymen that 'a study of history shows that oppressive legislation may take its course for a time, accompanied always by the groans of the oppressed, but in the end it never has been, and never will be, successful.' He further remarked:

"Are we, after depriving the Indians of any representation whatever, going to take away from them all opportunity of advancement and happiness in life? The Indians have not even been brought into friendly discussion as to the provisions of this Bill. Here they are forced by an overwhelming tide into what they consider the culminating calamity of their lives. It is true that the Minister, after saying that the Bill will certainly pass, and after saying in effect that he anticipates that the provisions of the Bill will make it so hot for the Indians that their numbers will be considerably decreased, said that he was ready to receive the remarks of Indians on the Bill. Is he likely to have any? After a murderer is found guilty the judge goes through the formality of asking him if he has any remarks to make as to sentence being passed against him".

In conclusion, the speaker suggested the appointment of a board of three Europeans, one to represent the views of Europeans, another those of Indians and the third to act as an impartial chairman, to hear the objections of Indians and to suggest amendments. Another European speaker who addressed the meeting was the Rev. A. Lamont who felt that 'if every other European voice were dumb, his would speak on behalf of his fellowmen for the Indian community.' The question, he said, was not a political one. It went deeper than all party, it raised an imperial issue. He, as a staunch supporter of the present Government on almost every question, hoped that the measure would not pass the Union legislature. If it does an actual injustice will be perpetrated.

Among the resolutions passed by the meeting was the following :—

"That this mass meeting of Natal Indians assembled in the Durban Town Hall under the auspices of the Natal Indian Congress, hereby places on record its emphatic protest against the Areas Reservation and Immigration and Registration (Further Provision) Bill now before Parliament which has for its object our compulsory segregation, the deprivation of our proprietary and trading rights, further restriction of our domiciliary rights and the ultimate extinction of the Indian community as openly declared by the Minister of the Interior, inasmuch as it is contrary to all known laws of equity and justice".

The mover of the resolution in a strong speech characterized the measure as 'un-British,' 'un-Christian' and 'most inhuman.' Another resolution which was moved ran as follows :—

"That this meeting of Natal Indians affirms the suggestion submitted by the South African Indian Congress for a Round Table Conference as the only solution for a settlement of the Indian question, and requests the said South African Indian Congress to again make representations to the Union Government with a view to bring about a Conference of representatives of India, England and South Africa".

Mr. Godfrey, who moved the resolution, made a very temperate speech and said that the Indians recognized that there were difficulties which had to be bridged over by wise statesmanship. He pointed out that even the Durban Town Council had passed a resolution asking the Government to accept a round table conference.

ALL-INDIA HARTAL IN INDIA.

Sunday the 11th October was fixed by Mrs. Sarojini Naidu, President-elect of the Indian National Congress, as the day for the public expression of the national sentiment against the harsh and high-handed anti-Asiatic legislation of the South African Union Government. Accordingly, on this day prayers were offered and public demonstrations of indignant protest were held throughout the length and breadth of India. The meetings were very well attended by persons belonging to different parties and representing different shades of opinion. A perfect All-India Hartal was also observed on this day.

The Govt. of India and the South African Govt.

During all this while the Govt. of India was keeping His Majesty's Government in continuous and close touch with the general views regarding the position of Indians in the Union and this Bill in particular, and with the

strength of the feeling which the general disabilities imposed on Indians in South Africa and this measure in particular had evoked. Moreover, they were in continuous correspondence with the Government of the Union regarding the legislature and they were repeatedly pressing upon them the suggestion for a conference as regards their general policy towards Indians. In the alternative they invited them to make other suggestions likely to result in a permanent and satisfactory settlement.

The Union Government, however, did not agree to the proposals for a conference. They were inclined to agree to a conference restricted to the consideration of a more effective repatriation scheme which, in their words, will result in a considerable reduction of the Indian population in South Africa and to proposals for the mitigation of the economic competition between Indians and other classes in South Africa, and they asked to formulate concrete suggestions regarding the latter. To such unfair proposals the Government of India could not agree. So, before entering upon any discussion about voluntary repatriation or making suggestions regarding competition, they asked for assent of the Union Government to sending a Deputation to South Africa to collect information regarding the economic and general position of Indians in the Union. On November 10th the Union Government acceded to this request and, a fortnight later, the Government of India despatched a Deputation, the purpose of which is given in the following Government Communique, dated the 25th November 1925:—

THE GOVT. OF INDIA COMMUNIQUE.

"The deputation which the Government of India have decided to send to South Africa with the concurrence of the Union Government sailed from Bombay to-day. As has been already announced, its purpose is to collect information regarding the economic condition and the general position of the resident Indian community in South Africa and to form an appreciation of their wishes and requirements. This information is urgently required by the Government of India to help them in making their case with regard to the Areas Reservation and Immigration and Registration (Further Provision) Bill which will come up for consideration in the South African Parliament early next year. It is evident that if the investigation with which this deputation has been charged had been deferred, no time would have been left for its execution before the Union Government proceeded with their legislation and the Government of India would consequently have been seriously handicapped in making the necessary representations in regard to that legislation.

"The sole object of the Government of India in sending the deputation to South Africa is their sincere desire to improve the situation of Indians resident in that country and their chances of securing this end would have been seriously jeopardised if it had been decided to delay the sending of the deputation. The decision to send a deputation to South Africa at the present juncture is of great importance as offering the best and perhaps the last chance, before the Union Government take up their projected Asiatic legislation, of arriving at a better understanding with the Union Government regarding the position of Indians in South Africa.

"It is in some way unfortunate that the South African Indian Congress, who were made aware some days ago of the decision to despatch a deputation from India, should have decided to send a deputation to this country at the same time, as some of the members of their deputation would have otherwise been able to give able assistance to the Indian deputation to South Africa. But the objects of the two deputations are not inconsistent. The South African Indian Congress have promised to place its services at the disposal of the Government of India's deputation and to make arrangements to assist it in its mission. On their side the Government of India are anxious to be in possession of the fullest information on every point affecting the position of Indians in South Africa. Since the deputation from South Africa comes with important information to impart regarding the Indian situation there, they are assured of a cordial welcome in this country and a sympathetic hearing at the hands of the Government and the people alike."

THE GOVT. OF INDIA (PADDISON) DEPUTATION.

Accordingly, the Government of India deputation sailed for South Africa on the 25th November. The deputation consisted of Mr. G. F. Paddison, Commissioner of Labour, Madras, as its Chairman, Mr. Raza Ali as a member and Mr. G. S. Bajpai, Deputy Secretary to the Government of India, as Secretary. The name of the third member, which was announced later, was Sir Devaprasad Sarbadhikary. He left for South Africa on the 9th December.

The South African Indian (Rahman) Deputation

On November 19th news arrived that the South African Indian deputation headed by Dr. Abdur Rahman was on its way to India to put the cause of Indians in South Africa before the Government and the people of India. The personnel and object of this deputation was cabled to the Government of India by the South African Indian Congress on the 21st November. The cable runs thus :—

"The Congress in its session at Cape Town appointed a deputation to wait on the Minister of the Interior with resolutions passed, rejecting the Bill *in toto* on principle and suggesting a round table conference of the Union and Imperial Governments, and the representatives of India and the Congress, to decide on the whole Indian question. The Minister was emphatic on not altering the principles of the Bill. He was prepared to refer the Bill to a select committee to afford the Congress an opportunity of criticising the details of the Bill. The Congress executive thereupon decided in the terms of the resolution passed at a conference on a deputation to India, consisting of Dr. Abdul Bahman, Cape Provincial Councillor, Advocate Godfrey, Congress deputy president, Mr. Pather, Congress treasurer, Mr. Bayat, Messrs. Bhawani Dayal and Rustomji, officials of the Natal Indian Congress, Mr. Mirza, Secretary, Transvaal British Indian Association, all fully acquainted and informed on the economic and other questions, as also with the wishes and requirements of the community. They are sailing on Monday, the 23rd instant. The executive of the Congress submit that the interests of the South African Indian community will be best served if the Government of India's deputation defers sailing, pending the arrival of the Congress deputation".

Accordingly, the South African Indian deputation sailed for India on the 23rd November and arrived at Bombay on the 12th December. Here they stayed for 4 days and then left for Calcutta on the 16th December to present their grievances before H. E. the Viceroy. They waited on the Viceroy on the 19th December and presented the following Memorandum :—

The Deputation's Memorandum.

"We the undersigned, A. Abdur Rahman, J. W. Godfrey, Amed Bayat, Sorabjee Rustomjee, V. S. C. Pather, Bhawani Dayal, and A. A. Mirza, delegates of the South African Indian Congress, duly appointed at the Fifth Session held in Capetown on the 9th November, 1922, desire to thank Your Excellency for receiving the deputation, and respectfully beg to submit to you a short statement of the present position of Indians in South Africa and of the effect of the Areas Reservation and Immigration Restriction (Further Provision) Bill on their future status.

"Sir, you will, doubtless, recollect that you were pleased in March, 1922, to receive a deputation of South African Indians, supported by Sir Jamsetji Jeejeebhoy and other prominent and influential leaders of Indian public opinion. That deputation not only placed before Your Excellency very fully the position of Indians as it existed then, but they also stated that, in the light of the sustained and irrational anti-Asiatic campaign in South Africa, the Indians viewed the future outlook with the gravest apprehension.

"We feel assured that Your Excellency has since then watched with more than ordinary care the trend of South African legislation; that you are acquainted with and have viewed with disapprobation the promulgation of two Provincial Ordinances which quite recently deprived Indians of the Municipal and Township franchise in Natal, and the adoption of other Ordinances which place further restrictions on their trading and proprietary rights. Convinced that Your Excellency knows all this, and being aware that you have also kept in close touch with the South African Government, we feel that it would almost be an act of supererogation to restate the case of Indians as it exists to-day.

"Nevertheless, Sir, permit us to summarise briefly our existing grievances. This will show up more glaringly the impossibility of Indians to survive and retain their manhood under any further imposition of restrictions, and moreover, it will emphasise more fully and clearly the dire effects on them of the Areas Reservation and Immigration Restriction (Farther Provision) Bill—the Bill which has driven us, as a last resource, to seek your aid in the calamity which stares us in the face and which threatens to overwhelm the whole Indian community. Briefly then the position is as follows:—

"In the Cape Province there are approximately 8,000 Indians, who enjoy equally with other non-Europeans both the parliamentary and the municipal franchise. No restrictions have so far been placed upon them which do not also apply equally to other non-Europeans. They are still free to purchase fixed property, to trade and to reside where they choose; and, except that applications by them for permits to trade are frequently refused solely because they are Indians as was pointed out by the Asiatic Inquiry Commission of 1921, we are glad to say Indians have no complaint to make either against Europeans in that Province or the Government.

"In the Orange Free State there are only about 200 Indians, who were allowed to enter that Province on the strict understanding that they remained in the domestic service of Europeans. Immigration on any other conditions is strictly forbidden.

"The Transvaal has a population of approximately 12,000 Indians. They have never enjoyed either the parliamentary or the municipal franchise, and they are prohibited by Act 3 of 1885 and Act 87 of 1919 from acquiring immovable property. So far, however, there has been a little difficulty in obtaining trading licences. But in 1925 the Provincial Council passed the General Dealers Control Ordinance, which, according to the Administrator, is intended to regulate, control and restrict the granting of licences to Asiatics in future. The effect of the Ordinance has not yet been felt by the Indian community. But in view of the manner in which a similar law is being administered in the Cape Province where the anti-Asiatic feeling is comparatively mild, we have no hesitation in predicting that very few or no new licences will be granted in future. Furthermore, the Ordinance has been made retrospective. All licences, therefore, issued since July 1925 will in 1926 be regarded as new licences and will probably be refused when they come up for renewal, and in the case of refusal of new licences there is no right of appeal.

"Natal has an Indian population of about 140,000 of whom a large proportion are born in the country, being descendants of those who by their labour and industry transformed that Province from a wilderness into a garden. In the year 1896, Indians were deprived without the slightest justification of their Parliamentary Franchise, but no restrictions was placed upon them with respect to the acquisition of fixed property or the right to trade and to reside where they chose. In 1908 however, the Natal Legislature passed two drastic measures: one was designed to stop the issue of new trading licences to Asiatics forthwith and the other to prevent the renewal of existing licences after 1918. These measures, needless to say, did not receive the Imperial Government's assent, and the trading rights of Indians were left undisturbed.

"Thus, Sir, when the deputation waited upon you in 1923, although Indians experienced some difficulty in obtaining new licences to trade and despite the fact that they suffered many minor indignities as a result of vexatious and restrictive regulations then in operation, nevertheless, they still enjoyed the full municipal and township franchise equally with Europeans, and they still retained the right to own fixed property and to reside where they chose without let or hindrance.

"Since then a change for the worse has taken place. Three Provincial Ordinances, the provisions of which are intended to be applied to the Indian Community almost exclusively, have received the assent of the Governor-General-in-Council, despite very strong protests against them. Two of these Ordinances, namely the Boroughs Ordinance of 1924 and the Townships Franchise Amendment Ordinance 1925 taken together, by one stroke of the pen, deprive all Indians of their municipal and township franchise right respectively although they possess the necessary qualifications, if their names are not already on the voters roll. By a further clause in the first of these Ordinances, Municipalities have the power

to prohibit the ownership or occupation or both of unalienated municipal lands by persons of Asiatic descent. The third Ordinance, namely, the Rural Dealers Licensing Ordinance creates Boards whose duty it is to consider all applications for licences to trade. Against the decision of the Board in the case of new applications as well as applications for transfer from one premises to another, there is no right of appeal. As this Ordinance is especially designed to restrict trading by Asiatics, and as it is administered in that spirit, it is not difficult for Your Excellency to conceive how Indians are suffering thereunder.

Dismal outlook

"From this brief and consequently inadequate summary of the oppressive and differential laws in operation to-day in South Africa, it will be seen that further restrictions have been placed on Indians after the interview of 1922, and that the fears which Indians then entertained had been well founded. But, Sir, we are to have no respite, and once again we are confronted with an outlook that seems even darker and more dismal. As if the cumulative effect of the many irksome regulations, the indignities we suffer, the curtailment of our rights, the abridgment of our privileges—as if the cumulative effect of all these was not sufficient to crush the Indians in time, a section of Europeans are prosecuting their one-sided and unjust racial warfare with such intensity and vigour as to convince us that they will not halt until they reach a point just short of wholesale extermination of Indians.

"In response to the clamorous demands of these racialists, the Union Government introduced last Session into Parliament, and have promised to place on the Statute Books during the forthcoming Session, what is known as the Areas Reservation and Immigration and Registration (Further Provision) Bill, which, as Your Excellency knows, is the primary, if not the sole cause, of our having been deputed to seek your aid in the hour of need.

"The Bill on the face of it is pure "Class legislation." That it is intended to be administered solely against Indians, is quite clear from the fact that all other non-Europeans, namely, Cape coloureds, Natives, Malays, Mauritian Creoles, and St. Helenas are exempted from its operation. Its object, as is plainly stated, is to drive Indians into locations or areas, reduce them to industrial serfs and thus ultimately hunt them out of South Africa. This is clear not only from the various sections of the Bill itself, but also from the speech of the Minister who, when introducing it into Parliament, said: "that the Bill frankly starts from the general supposition that the Indian as a race in this country is an alien element in the population, and that no solution of this question will be acceptable to the country unless it results in a very considerable reduction of the Indian population in this country."

"This principle of compulsory segregation for trading and residential purposes which is distinctly laid down in the Bill is one which the Indian Community cannot, nay, dare not accept. Your Excellency assured the deputation of 1922, that you also were opposed to the principle of segregation and you inspired the Indian Community in South Africa and the people of India with hope when you expressed yourself thus, "They (the Indian Government) are equally at one with you in the objection you take to the Commission's suggestion regarding voluntary segregation whether residential or commercial." It is not difficult, therefore, for Your Excellency to gauge the bitterness and intensity of the feeling in South Africa against this Bill.

Native "Locations"

"We desire also to state that the conditions which prevail in "locations" in which Natives are compelled to live in many parts of the Union are appalling, due in every instance to the neglect on the part of Municipalities to supply and attend to the essential services requisite for a healthy and clean life. The Asiatic Inquiry Commission of 1921 reported against segregation as follows:—"We find ourselves wholly unable to support the policy of repression which was advocated by some of the witnesses. Indiscriminate segregation of Asiatics in locations and similar restrictive measures would result eventually in reducing them to helotry. Such measures apart from their injustice and inhumanity would degrade the Asiatic and react upon the European." Moreover the Bill is in violation of the spirit and intension of the Gandhi-Smuts Settlement; for it was understood that no further anti-Indian legislation would be imposed and that the then existing laws would be administered in a just manner with due regard to vested rights.

"For these reasons alone the Indian community cannot accept the Bill.

"Furthermore, the tightening up of the Immigration laws, the interference with the trading rights, the new restrictions with regard to acquiring ownership of land and acquiring licences, and the utter disregard of vested rights,—all these taken together

constitute such a formidable catalogue of new injustice that Indians are sure to be crushed under its weight. There is also no doubt that the clauses relating to the ownership of land, renewal of leases and of trading rights will spell financial ruin to the Indian Community.

"After the first Reading of the Bill, the Indian Community in the Union of South Africa through the South Indian Congress passed the two following resolutions :—

1. That the South African Indian Congress views with alarm the Areas Reservation and Immigration and Registration (Further provision) Bill, which is in violation of the 1914 Gandhi-Smuts agreement, and which has for its objects the compulsory segregation of Indians, the deprivation of their proprietary rights and the ultimate elimination of the Indian community as openly declared by the Minister of the Interior, and begs to submit to the Government that on a matter of principle the Indian Community of South Africa opposes this Bill in toto.
2. That this Congress urges upon the Union Government to consent to a Round Table Conference of representatives of the Union and Imperial Governments, the representatives of India, the Indian Government and representatives of the South Africa Indian Congress to consider the whole position of the Indians here and arrive at an honourable settlement.

"These resolutions were presented by a deputation to the Minister of the Interior on the 16th November 1925, who replied that he was not prepared to depart from the principles of the Bill; that as all political parties in the Union were unanimous on the Bill, he hoped to have it placed on the Statute Book and that he was unable to state what final views either the Union Government or Your Excellency's Government would take in regard to the Round Table Conference as the matter was under discussion.

"Our object to-day is, therefore, to impress upon the Indian Government the urgency of securing the Union Government's consent to a Round Table Conference in terms of the resolution afore-mentioned.

"We would point out that even if this Bill does not become law there still remain unsolved the question of Franchise Rights, Immigration, Education, Trading Licences, etc.; and these are questions that call for an early solution.

"The Indian Community have at all times been law-abiding and are prepared even now to submit to any and all laws to which all other sections are made amenable. They have always been prepared to assist by every means to promote the welfare and progress of the Union.

"We beg to place before Your Excellency our demands as law-abiding and respectful citizens of the Union and as South Africans to restore to us in the Cape Province and Natal the political rights of which we have been deprived and to grant to us full political and civil rights in the Transvaal and the O.F.S. as enjoyed by the other communities of the Union. This will be one of the means of solving the Indian problem in South Africa.

"In the event of the Union Government not acceding to the request for a Round Table Conference and forcing the Bill through Parliament in spite of Your Excellency's and our objections, then we would respectfully ask you to secure the King-Emperor's disallowance of the Bill in terms of Section 65 of the South Africa Act, failing which to appeal to the League of Nations as the Bill contravenes the spirit and intention of Clause XXIII of the Covenant of the League of Nations to which the Indian Government is a signatory.

"In the conclusion we again beg to thank Your Excellency for granting us this interview and sincerely pray that Your Excellency's efforts to secure for the South African Indians a status consistent with the honour and dignity of the Indian Nation will be crowned with success.

In presenting this Memorandum Dr. Abdur Rahman, the leader of the deputation, delivered a speech in the course of which he said :—

Dr. Abdur Rahman's Speech.

"The Bill implied, or rather it stated clearly, that Indians were inferior and must be kept away from other sections of the people, especially Europeans, who constituted the South African White population. They were suffering in South Africa, and any indignity that was placed upon them was a blow to India. Dr. Abdur Rahman asked what possible objection could the Union Parliament have against a round table conference? Apparently, the Union Parliament was prepared to accept the advice of the deputation which the Indian Government had sent to South Africa. It was prepared to accept their advice after the Bill had passed the second reading, but it would not

the advice of the deputation if the advice was tendered before the Bill had passed the second reading.

"He felt there was not a single Englishman in Great Britain or anywhere in the British Empire who would tolerate, apart from the injustices that Indians suffered already, such stigma and humiliation at the hands of a non-European Government as Indians were compelled to suffer at the hands of a small section of Europeans. The present struggle was not merely an Indian question. It was now an Asiatic one and was becoming a world problem. If His Excellency and his Government thought that they could not go any further to prevent the measure from being placed on the Statute Book, then they were prepared to say: "Recall the deputation, for it cannot do any good. Do not let them give evidence before the Select Committee. They cannot possibly know the position. Tell Great Britain that she must not allow the Bill to go through. Short of going to war she must use everything in her power to prevent this Bill from passing."

H. E. the Viceroy's Speech.

Replying to the address H. E. the Viceroy said :—

"Dr. Abdur Rahman, I am glad to have this opportunity of meeting you here to-day, and of discussing the grave situation to which you have referred in your petition and observations. I have read and examined an advance copy of your petition with great care, and have listened, with deep interest, to the further observations with which you have now laid it before me. Let me assure you that I have watched the position of Indians in South Africa with anxiety and sympathy for some years past, and have taken all measures, as opportunity offered, from time to time, which appeared to me and my Government calculated to ameliorate their condition. I am deeply grieved at the present situation. It is natural that you should seek to ascertain, at first hand, in India, the feelings of the people and the Government of India on these questions, and to fortify your cause with what you will, undoubtedly, carry away with you—the warm sympathy of the people and the Government of India.

Need for a Round Table Conference

"Great indignation has been felt, and expressed, in India, and public opinion has been deeply pained by the status which the projected legislation in South Africa proposes to assign to Indians. It has been observed with apprehension that, in introducing the Bill, Indians have been described as an alien element in the population of the Dominion, and intentions have been expressed of solving the problem by securing a very considerable reduction in the Indian population of the Union. Your deputation lays stress and rightly so, on the necessity for a round table conference. This suggestion has been repeatedly pressed by me and my Government since it was first put forward by Mr. Thomas, during his visit to South Africa. It has not, however, as yet been accepted by the Government of South Africa. We urged the Government of South Africa in addition, to agree to our despatching a deputation to South Africa to ascertain the facts regarding economic conditions of Indians and the effect upon them of the contemplated legislation, so that we might be in the best position to make representations concerning these measures, based on accurate information regarding the situation. Our concrete proposals regarding the deputation to that Government were made on the 9th October last, and accepted by that Government on the 10th November. We at once took steps to constitute a deputation, and informed the Government of South Africa that we were despatching it on the 25th November. The first information of your deputation, which we received, was in a Reuter's telegram of the 19th November. This decision to send the Government deputation was thus reached before we heard of your deputation. We attribute importance to our deputation, because of the information it may be expected to procure. It was desirable to lose no time in taking advantage of the assent of the Union Government to its visit. Although, in many respects, it would undoubtedly have been preferable, if these two deputations had not crossed each other, yet there is no real duplication of functions, as was once aptly-headed, in a deputation from the Government of this country visiting South Africa at the same time as a deputation from Indians in South Africa visits India. The more light that can be shed on this difficult question, the better; the fuller the understanding, the more likely that some avenue may be found to remedy the situation.

India Government's Right to make Representations.

"I and my Government greatly hope that the deputation we have sent to South Africa may collect facts and make suggestions which may serve as a basis for fresh

proposals, on lines to which the Union Government may be disposed to agree. We also confidently expect that your deputation may help us with some constructive suggestions of value to the same end. I fully understand the depth of feeling by which your community and Indian opinion generally is exercised. I do not under-rate the strength of the apprehensions you entertain. Nevertheless, whilst it is natural that you should present your cause with considerable vigour, it must be remembered that the issue is now in South Africa. South Africa is a Dominion. Its Parliament has full power to pass legislation regarding its internal affairs. Feeling in South Africa is naturally sensitive to interference from outside. In these affairs, I have never, in my experience, known a good cause to suffer by sober presentment. I and my Government emphatically hold that we have a right to make representations regarding measures prejudicial to Indians domiciled in South Africa. It is a duty from which we shall never shrink. We claim that our views should be heard and considered. We have reason to know that our right to make representations, and be heard, is not disputed by the Union Government. Indeed I gratefully acknowledge that they have, on various occasions, given effect to our suggestions. At the same time we recognise that the position of the Government must be respected and that no claim can be sustained by us of a right to interfere in their domestic affairs. Should the Union Government be unable in the end to accede to our request we reserve to ourselves freedom to take such action as may seem desirable in the circumstances of the case. We have always kept His Majesty's Government fully informed, through the Secretary of State for India, of the strength of feeling in India on the question of Asiatic legislation in the Union, and of our own views on these questions.

Prospects not Hopeless.

"I cannot consider the prospects hopeless. I believe that the Union Government will give careful consideration to our views, based as they are on facts and equitable consideration. It is evident that, in the absence of Indian franchise, the Union Government recognise that they have a special responsibility for Indians in South Africa. The present Union Government have not yet carried any anti-Asiatic legislation. The Colour Bar Bill was rejected by the Senate. The fate of the present Bill is still undecided. Let me remind you that I and my Government have very carefully watched all proposals in the past for anti-Asiatic legislation. We have kept the Union Government fully apprised of Indian sentiments regarding these measures and of the objections to them. They have just received our representatives with the greatest courtesy, and I gladly acknowledge that, in the past, action has been frequently taken to meet our suggestions regarding specific measures.

Past Successes and Failures.

"I am not sure that it is generally recognised what the Union Government have done, from time to time, to meet the representations made by my Government, and the extent to which our protests and representations have achieved some success. Let me give a few instances. First, as regards the draft ordinance to amend the Natal Township Law of 1881, in such a way as to deprive Indians of the township franchise; various drafts were introduced in 1921, 1923, and 1924, and regarding each, in turn, the Government of India cabled representations. The Governor-General in Council withheld assent to the first, reserved the second and the fourth for further consideration, and the third was not proceeded with. The fifth ordinance of 1925 received the sanction of the Governor-General in Council before our representations reached him. In 1925 also a draft ordinance to consolidate the Natal Township Law was introduced, which would have the effect of disenfranchising Indians already on the electoral roll of townships. In response to our representations we have been informed that the ordinance is standing over until the next year, and that, when it is proceeded with, the franchise rights of Indians at present on the voters' roll will be adequately safeguarded. Again, as regards the Natal Boroughs Ordinance of 1925 we cabled representations. The Governor-General in Council at first reserved the Bill for further consideration, but ultimately assented on the ground that they were unwilling to curtail the power of a Provincial Council to deal with a purely domestic legislation. Another instance is the Natal Rural Dealers' Licensing Ordinance. Various drafts were introduced, all of which were likely adversely to affect the trading rights of Indians. The Governor-General in Council withheld consent to the draft of 1921, reserved for consideration the draft of 1911, and assented to the draft of 1923, after explaining how far he had been able to go in meeting our wishes. In the case of the Durban Land Alienation Ordinance of 1922, we cabled representations. The Governor-General in Council assented, but instructed the administrator in Natal to satisfy himself before approving racial restrictions, in land sales, that Asiatics were given reasonable opportunity for acquiring adequate residential sites.

The Class Areas Bill.

"Take finally the Areas Reservation and Immigration and Registration (Further Provision) Bill of 1925. The position is that the Government of India have already telegraphed very full representations regarding the Bill, and have received an assurance that their representations will receive the earnest consideration of the Ministers. It may also be noted that the Government of India have addressed a detailed despatch containing their views on the Asiatic Enquiry Commission's report, 1911. This despatch has given rise to a long correspondence, in the course of which the Union Government have explained their general policy towards Asiatica. We are still engaged in discussion. I freely admit that, in some cases, the representations of my Government have been unavailing, as for example, the Natal Public Health Committee's Ordinance of 1923 and the Transvaal General Dealers' Control Ordinance Act of 1925. In the case of the South African Mines and Works Amendment Act of 1925 also, we made representations, and, though some changes were introduced to meet Asiatic susceptibilities, the principle of the Bill remained unchanged. Fortunately, however, the Bill was rejected in the Senate. In the case of the Class Areas Bill of 1924, we also made representations, but the Bill lapsed owing to the dissolution of the Union Parliament.

"I have said enough to show that I, and my Government, though not always successful, have been able to achieve something in the past, and have every reason to believe that the Union Government will give the closest consideration to any proposals we may decide to put forward on this occasion. The deputation in South Africa is working to provide us with material to make and support our representations. We look to you also, and shall welcome any constructive suggestions you are able to give us. The Member of my Government, in charge of this subject, Sir M. Habibullah, and the Secretary of the Department, Mr. Ewbank, are present here to-day. I invite you to keep in close touch with them, and give your views as regards all clauses of the Bill and their effect upon Indians. This is not the place to go into questions of details, but it is important that they should hear your views upon those questions also and discuss them with you. You may be assured that any detailed criticisms of the Bill you have to offer, will be most carefully examined by them. Both I and my Government will welcome your assistance. As I hope, I have already made clear to you, you may rely on receiving a very sympathetic hearing from the officers of my Government. We shall carefully and anxiously consider the best course to follow.

Unanimity of Indian Opinion on the Question.

"It would be premature, on my part, to attempt to indicate the exact measures we may adopt, but you may confidentially count on my warm personal interest in your difficulties, and on the sincere desire of my Government to find a way to remedy those anxieties by which you are now oppressed. You may already be aware,—and if not, let me assure you—that, whatever the differences that may exist, in India, on other political question, there is unanimity of opinion regarding the position of Indians in South Africa. I and my Government believe that any representations that may be made, and any action that may be taken, in the interests of India and the Empire, on behalf of the Indians in South Africa, will have the whole-hearted support of the people. No course, which can legitimately and constitutionally be taken, will be left unexplored, and all reasonable measures calculated to ameliorate the situation will be taken."

From Calcutta the deputationists left for Cawnpur to lay their grievances before the Indian National Congress (See p. 336).

India in the League of Nations

Report of the Indian Delegation.

The Interim Report of the Indian delegation to the sixth session of the Assembly of the League of Nations was published in December 1925. The Report, which is signed by Lord Willingdon, the Maharaja of Patiala and Sir A. C. Chatterjee, is a comprehensive document which, after explaining the organisation of the League's Assembly, gives a summary of the proceedings of the various committees. The Mosul question, which was under discussion at the time the delegation was in Geneva, has been omitted from the Report, as the Assembly had nothing to do with it.

In concluding the Report the signatories make the following general observations regarding the work of the Assembly:—

"As usual, this Assembly discussed a wide field of subjects arising out of the work of the various permanent organisations of the League and the decisions of the Council of the Assembly. In previous sessions some of the delegations, remembering the animated discussions on the Draft Treaty of Mutual Assistance at the Fourth Assembly and on the Protocol at the Fifth Assembly, appeared to feel that the programme of the Sixth Assembly was somewhat lacking in interest. A contributory cause of this impression may have been the reluctance of certain delegations, particularly those of the larger States, including Great Britain and the Dominions, to commit their Governments prematurely to the adoption of projects such as the International Relief Union, Armenian Refugees Loan and the proposed extension of the work of health and child-welfare organisations. The Indian delegation, however, had reason to feel that certain useful results were obtained during the sessions.

"Opportunity occurred for establishing friendly relations with representatives of many countries which are brought into contact with India in trade or otherwise. In various ways, such as the appointment of its members to a special committee, or to perform duties such as that of rapporteur, the Indian delegation obtained gratifying recognition.

Limited Strength of Delegation.

"On account of the limited strength of our delegation, we were compelled to confine our attention chiefly to points which arose in committee, and were happily in all cases settled to our satisfaction, thus obviating the necessity of our intervention in the Assembly debate. It should be remembered in this connection that the numerical strength of the Indian delegation compares very unfavourably with that of many other States of much smaller size and significance. For instance, the Norwegian delegation included three sub-

titutes and two experts, the Chilean delegation three substitutes and five secretaries, the Hungarian delegation three substitutes and two experts, the Roumanian delegation four substitutes and an expert, the Finnish delegation two substitutes and an expert, the Chinese delegation three experts and eight secretaries and the Venezuelan delegation two substitutes and an expert.

"Much of the work of the Assembly is done in committees and sub-committees. It is desirable that more than one member of a delegation should be present at, or at any rate follow, the course of each committee. With the Indian delegation this was not possible. For instance, owing to his presence being required on the Slavery Sub-Committee, Lord Willingdon was unable to attend any meeting of the Third Committee. His Highness the Maharaja of Patiala was obliged to be absent from the meeting of the Fifth Committee, while the discussion on the International Relief Union, in which he had intervened, was in progress in the Second Committee. Sir Atul Chatterjee, although on most days had to devote at least eight hours to committee meetings, was obliged to miss several important meetings of several committees in order to take part in the discussion of the Budget in the Fourth Committee. If circumstances beyond their control, such as sickness, had interfered to any great extent with their regular attendance at these meetings, the representatives of India would have been seriously embarrassed in carrying out the part assigned to them.

Relations with Foreign Delegates.

"One of the most important duties of a delegate is to establish personal contact and intimacy with their colleagues from other member States. Differences are adjusted, and conflicting points of view are much more easily reconciled in the course of personal discussion than during debates, which are open to the Press and public. But it is difficult to find time for such discussions, unless a delegation is sufficiently strong in numbers to enable a delegate to hand over a considerable amount of committee work to a substitute of sufficient standing and knowledge of their subject to intervene effectively in the discussion, as such knowledge can only be acquired by previous study of the subject-matter and experience of League work. It is the practice of most State members while varying their principal delegate to send the same substitute technical expert to the Assembly from year to year. The establishment of this continuity also helps them to secure the appointment of their nationals to commissions and to posts on the staff of the Secretariat.

Sir Edward Chamier's Services.

"We desire to express our acknowledgment of the great assistance afforded to us by our substitute delegate, Sir Edward Chamier. Representing the delegation on the first Committee he was able to bring to the service of that committee an experience and knowledge of legal questions which no other member of the delegation could have supplied, while his advice on all subjects which we discussed at our private meetings was of the utmost value. We have also particular reason to be grateful for the services of Professor Rushbrook Williams, who accompanied His Highness the Maharaja of Patiala as Political Secretary, and acted as a substitute at discussions which His Highness was unable personally to attend. He spared no pains in keeping us all fully informed on all important details which arose in regard

to various questions which we had to discuss and consider. His tact and judgment were of great advantage to us all on both the business and social sides of our duties.

Need of Large Staff at Geneva.

"Our experience of the work of the Assembly has led us to consider that the best service can be done for India by its representatives if they approach the questions under discussion as far as possible from an impartial and international standpoint, and co-operate fully in the solution of them rather than view them from a purely national aspect, and refrain from the discussion of those which have no immediate interest to India. It must necessarily be the case that India's interests are little affected by many of the problems which the League has to solve. But India's representatives have everything to gain by familiarising themselves with the elements of these problems, and taking part in discussions upon them, while at the same time the League has much to learn from the store of legislative and administrative experience accumulated in the public life of the great country which they represent. Such participation will only be rendered possible by thorough preparatory study, and by securing the assistance of a larger staff at Geneva. We are convinced that the Indian delegation can do far more in this way to improve India's position in the League, than by criticism from a purely national point of view of the comparatively few questions which directly affect India's interests, or by excessive insistence on the fact that India is not at present receiving an adequate return from the League for her large contribution towards its expenditure.

"In the course of the debates, we tried to turn the general activities of the League into ways of benefit to India. Our observations on health organisation, the proposed International Relief Union, the work of the League in social matters and our suggestion that a bureau of information should be established in India are instances of this endeavour. It remains for us to add that we ourselves have derived the utmost benefit from our intercourse with many prominent statesmen and experienced administrators who represented their countries at this Assembly. Our relations with them in conference and in social intercourse have been most cordial. We have also to express our great appreciation of the assistance rendered to us by the Secretariat staff of the League itself, and of our own delegation".

India in the League of Nations

GENEVA—SEPTEMBER SESSION 1925.

Over two years ago Mr. Sethna raised in the Council of State an interesting discussion demanding that in the selection of India's representatives to the League of Nations every year the Central Legislature should be consulted. At that time the answer that was vouchsafed by Sir Mahomed Shafi, on behalf of the Government, was that there was no idea of showing disrespect to the Legislature, but that for administrative convenience and other reasons it was better that the selection should be made directly by the Government of India itself and that the Government would take every step to see that only such persons were sent as delegates for India, as would command confidence in the country.

On the 14TH JULY the Government of India announced the names of the "representatives" at the September session of the Assembly of the League of Nations. The delegates were Lord Willingdon, the Maharaja of Patiala and Sir Atul Chandra Chatterjee. Professor Rushbrook Williams, Director of the Information Bureau, was appointed as the Private Secretary to the Maharaja of Patiala.

Patiala's Work in Geneva.

In the October issue of "The Asiatic Review" the Maharaja of Patiala wrote briefly on the impressions he received as a Delegate at the meetings of the League of Nations in Geneva. He wrote with hardly any reference to the special interests of India. His Highness seemed to have taken no public part in the proceedings, preferring, as he put it, "to bring my guns to bear in committee" where most of the practical work was done. He referred to two questions in particular, among those definitely assigned to him, which threatened to involve, either directly or indirectly, implications of a very undesirable nature. But he did not mention what the questions were. Wrapping himself in mystery he claimed that he was able to secure "all the desired results without incurring the odium of strongly opposing, in public debate, the views of a certain great and friendly Power." His Highness also preferred to arrange a continual series of small, informal lunches and dinners, at which "he entertained" privately and separately the Delegation of each important nation."

As proceedings of the League were not available we give below what His Highness the Maharaja wrote in the October number of the *Asiatic Review* regarding the impressions he gathered in the meetings of the League:—

Maharaja Patiala's Impressions

"It is not easy to give a clear account of the impression made upon the mind of a Delegate by the League of Nations, since the impression itself is complex and without precision. The League, in fact, is an organism which is passing rapidly through successive stages of development: which is fluid rather than concrete, dynamic rather than stale.

"My first impressions were somewhat unfavourable. The depressing character of the Salle de la Reformation, in which the Assembly sits, the confusion attending the first day of the Session, the time wasted in apparently fruitless oratory—all these made me wonder for a moment whether I had really served my country and my Order by leaving India to attend such a gathering. But before long I observed two things. In the first place, this was no ordinary meeting of Parliamentary representatives. I had only to look round about me to discover the majority of front-rank statesmen of Europe. Almost every one of the fifty nation here represented had sent its Premier or its Foreign Minister, and in some cases both. It was further plain that a large number of these eminent statesmen were personal friends. Nor I was greatly struck by the cordiality of the atmosphere. As it seems to me it is no small thing to gather together in a single hall the men who by their official position, and the power which it has placed in their hands, are authorized to speak for almost half the world. The mere fact that they meet, talk, and dine together cannot but encourage harmony, smooth over difficult questions, and conduce to friendly arrangements. Indeed, one of the most practical achievements of the League is its encouragement of the habit of compromise, of give and take, of the settlement of differences by friendly discussion.

Second Observation.

"My second observation was equally interesting. It became plain to me that the League performs for public opinion the task which a lens performs for light: it receives it transmits, it and concentrates it upon the point where it produces the maximum effect. To public opinion the Assembly in particular is very sensitive; and in the atmosphere of enthusiasm which characterizes the sessions, resistance to a certain kind of demand is almost impossible. Hence arises to my mind a particular blend of strength and weakness which runs through all the doings of the League. On the one hand, Great Powers, despite all the diplomacy that can be devised, frequently find themselves confronted with a situation in which they have either to accept the prevalent sentiment, or to incur an undesirable odium by remaining isolated in resistance to it. This is on the whole healthy especially as smaller States, which make up what may be called the rank and file of the League, respect the position of the Great Powers, and do not as a rule employ their numerical majority injudiciously. Here let me note emphatically that my experience is far from confirming the complaint made by certain superficial observers that the "equality" of the League is mere camouflage. It is very far from true to say that the Great Powers "rig" everything from behind the scenes; that the smaller States are mere puppets dancing at the bidding of a hidden hand. On the contrary, there is a perpetual give and take. The smaller States take care not to press the Great Powers too hard; but the Great Powers cannot resist, as experience has shown, a strongly backed demand for action of a particular kind. Their influence as a rule is cast in the direction of moderation. They endeavour to cure injudicious enthusiasm, to inculcate cautions, and to prevent the adoption of sweeping resolutions which there is little prospect of carrying into effect. When for some reason or another they abandon this function for the moment curious things happen. Witness the events of the Fifth Session, when the Premiers of Britain and France, far from

guiding the enthusiasm of the Assembly into channels which admitted of early practical expression, put themselves in the advance-guard of the idealists, acted as though there was no distinction between saying something and doing it, and altogether ignored difficulties of the most obvious kind in a manner worthy only of a revolutionary convention.

Assembly's Force.

"There can be no two opinions as to the force, call it moral or call it psychic, wielded by the Assembly. This body reacts clearly and emphatically to the proposals placed before it, and gathers behind it sentiments and impetus which makes them most difficult to resist. For which reason there is always the risk that it may be stampeded into unreflecting idealism and thus commit itself to views or programmes of a character likely to affect deleteriously its own influence and reputation. It is therefore important and there should be submitted to the Assembly only those proposals which have been carefully considered from the point of view of practicability, and properly prepared from the point of view of constitutional procedure.

"Hence comes the unique importance of the work of the committees. It would be a mistake to assume, as is sometimes done, that the Assembly is a mere rubber-stamp which automatically places its imprimature upon the decisions of the committees. The Assembly has a formidable will of its own; it will reject or alter, from time to time, what is placed before it. But the committees act as a strainer for much of what might otherwise clog the machinery. It is in the committees that the wild-eyed enthusiasts find themselves compelled to reckon with hard facts; in the committees that amicable compromises are arranged and working harmony cemented; in the committees that the burden of the work is carried through. Personally, I was so much convinced of the truth of this, that I deliberately concentrated upon the committees side of the work, and left the Assembly rather alone. I may be pardoned for remarking that this line of action was justified by its results. Two questions in particular, among the cases definitely assigned to me, threatened to involve, either directly or indirectly, implications of a very undesirable nature. It would have been open to me to reserve my views, and those of the Government of India, for the open Assembly. I preferred to bring my guns to bear in committee, with the consequence that I was able to secure all the desired results without incurring the odium of strongly opposing, in public debate, the views of a certain great and friendly Power.

Social Aspect.

"A word about the social side of the League. Everyone works so hard during the four weeks of the session that large and elaborate entertainments are somewhat at a discount. Many Delegations confine their hospitality to a single soiree for one admirable concert, to which everyone is invited. I myself preferred to arrange a continual series of small, informal lunches and dinners, at which I had the privilege of entertaining privately and separately the Delegation of each important nation. Among the results I count many new friends, much first-hand information about the drama of contemporary politics from persons who play the leading part therein; and—as I sincerely hope and trust—the awakening of a new appreciation, in several quarters at least, of the character and ideals of my own Orders and of my fellow-countrymen.

Indian Propaganda in Britain

India and the Labour Party

People in India were considerably pained and surprised at the attitude of Labour spokesmen in Parliament towards Lord Birkenhead's speech of the 7th July. An impression gathered considerable strength among the adherents of the Indian National cause that there was want of sympathy between the English Labour movement and the aspirations of the Indian people. Colonel Wedgwood's speech in the House of Commons during the debate on India Office Estimate accentuated the dissatisfaction. The gallant Colonel, forgetting for the time that it was the Labour Party's policy to grant immediate Self-government to India; sought to force the Swarajists to work the dual system of Government which the different sections of political parties in India had condemned outright. We quote below a very informing article of *Hindu* showing the Labour mentality and commend a careful perusal of it to our readers :—

"Salvation for India should certainly come from within : the idea of our securing Swaraj mainly through the help of outside agencies, without ourselves making great efforts and big sacrifices for it, is galling to our self-respect. Nobody believes in the possibility of India retaining her freedom for any length of time if she has got it by mere gift, not by her own exertions proving her worth and capacity. Nevertheless, it would be foolish puritanism and harmful impudence, if in our fight, we do not take care to enlist on our side the support of persons or associations whose general outlook on life and predisposition are in favour of rescuing struggling nationalities from the fetters which bind them. That is why we attach importance to the work of propaganda abroad ; in Great Britain in particular there is good work to be done in this direction, and so far as intellectual adherence to the ideal of equality of opportunity and human brotherhood is concerned, there can be no doubt that the Labour Party is the one organisation in that country which can be approached with some prospect of our obtaining sympathy and, if possible, active assistance. Moreover, that Party has made promises and given pledges which India is entitled to ask should be redeemed as early as possible. We should do nothing which would disturb India's relations with that Party, but frankness and candour should inspire our discussions with it on our problems. That is why we consider that the controversy between Indian and Labour leaders should be conducted in a way which would help mutual understanding and lead to better appreciation of each other's difficulties and view-points.

"From a perusal of the debates in Parliament and of the correspondence in the press it appears that the major differences between the Labour Party and Indian leaders are quite capable of being easily explained. That we in India have been surprised and pained by the attitude of Labour spokesmen in Parliament towards Lord Birkenhead's speech is only too true ; it is undeniable that, coming after Labour's inability to do anything for India when it was in office, this has accentuated the dissatisfaction. If they think over it, Mr. Ramsay MacDonald and Col. Wedgwood cannot but realise and appreciate India's disgust at the inordinate delay in Great Britain fulfilling its pledges to India, and at Labour, which has always stood for immediate self-Government, hesitating to give effect to its views. Hell is paved with good intentions and it is rather unreasonable to expect India to remain quiet in the belief that one day Swaraj would come to her like manna from above. Further, it is unreasonable, regard being had to the shameful way in which solemn assurances have been thrown to the winds that Indian politicians should be dictated to in regard to the methods of political agitation. It is extraordinary that such a sincere friend of India as Col. Wedgwood should seek to force Swarajists to work a system of dual government which his own Party, Indian Liberals and Indian Ministers have all combined to condemn outright.

One sees in this unreasonable demand more the disappointment of the outraged donor whose doubtful gift is refused than the calm disposition of a balanced mind which is able to relate results to causes and look at things in their proper proportion. One of the unjust and unwarranted charges is that Indian leaders do not care for Indian labourers and that they are against any extension of the franchise. India has done more to carry out decisions of the International Labour Conference than many other countries, including those in Europe; that does not show that she is indifferent to the worker. It is a pity that this false accusation, which the enemies of India prefer out of malice, should be believed in by Labour. There is great room for improvement, but we are progressing as rapidly as our emaciated political condition would allow, for it is absolutely true that a formidable obstacle to Indian labour coming to its own is the opposition of the bureaucracy itself. Does Col. Wedgwood know that it is the majority of the Muddiman Committee, consisting of four Europeans and one Indian, who want to deny franchise to the large sections of the population who are now unrepresented, and not the minority consisting entirely of Indians?

The Essex Hall Meeting

Under the auspices of the Indian Association, a meeting was held on the 22nd July 1926 at Essex Hall, London, to consider the situation arising out of the statement of Government policy announced by Lord Birkenhead in his speech in the Lords on the 7th July. The proceedings were interesting enough, especially when Colonel Wedgwood was engaged in a wordy controversy with Mr. T. C. Goswami, M.L.A., on the platform and some more vociferous critics in the body of the hall.

Mr. GOSWAMI was the principal speaker. His manner was mild but his speech was by no means meek. He had some nice words to say about the kindness of his reception in that country. He wanted to make it quite clear that, in spite of bitter words which might be flung about, India cherished no ill-will towards England. The object of the Swarajya Party was to see that the destinies of the world were governed by the common people of all countries. He repudiated the idea which had obtained some credence in England that the Swarajists were afraid of democracy and that they favoured the establishment of an Indian oligarchy. On the contrary, they wanted an extension of the franchise to the utmost possible limit, and even if present conditions did not allow of immediate adult suffrage, they were anxious to provide in the constitution for further extensions until full adult franchise had been reached.

Mr. Goswami confessed that he was not disappointed by Lord Birkenhead's speech in the Lords, because he expected nothing else. He was rather grateful that the noble lord had destroyed the excuse which Moderates had hitherto put forward as a reason for not joining the Swarajya Party. He was not prepared to state dogmatically what the policy of that party would be in the present circumstances, but it was the settled determination of the Indian people to achieve Swaraj, if possible within the British Empire, but if necessary outside.

Mr. Goswami went on to refer to the vigorous duel which has been carried on in the Labour Press between Colonel Wedgwood and Mr. Satyamurti, avowing of course his agreement with the latter. Mr. Goswami confessed that he only accepted the policy of non-violence on grounds of expediency. They had never yet said that they could coerce the British people into giving them Swaraj, but he made it clear that if it was possible to gain their end by physical force he was quite willing to fight for it and to die for it if need be. For the present, however, the speaker said, violence would be futile; therefore, expediency and ethics were against it.

Mr. Goswami warmed to his subject as he proceeded. He apologised for belonging to what he called "a sham Legislature" and confessed that it gave him anything but pleasure to find the letters M. L. A. after his name. The Swarajya Party would nevertheless contest the elections in 1928, and he was confident that they would capture a majority of the seats in all the Councils. When they had done that, they would have no compunction whatever in shutting up all the legislatures in the country. He admitted that some little good had come out of these bodies, but they had to choose between this little good and the greater good which might be obtained through deliberate and sustained obstruction. They were all for a peaceful adjustment of interests, but if peaceful negotiations failed, they would do their worst. The Indian nation was at present very emaciated, and Englishmen would be foolish to mistake the apparent pall as a symptom of the subsidence of the Nationalist movement.

Mr. Goswami said he was grieved to find that the official section of the Labour Party had endorsed Lord Birkenhead's statement, but he was hardly surprised at it. There ought to be a good understanding between sincere Labour men in this country and Indian Nationalists, for there was a very great connection between unemployment here and the economic conditions prevailing in India, but in the presence of Colonel Wedgwood he asked, what good thing the Parliamentary Labour Party had ever done for the common people in India? What had they done for the labourers, the workers, and the peasants of India?

In some complimentary references to Mr. Saklatvala's speech in the House a fortnight ago, Mr. Goswami incidentally observed that he was not himself a Communist, because he was as much against domination by Russia as against domination by England. There were other passages in the speech which showed that he was not such an uncompromising enemy of existing institutions in India as some of those who followed him, and his references to certain trades union legislation clearly provided that something useful was to be extracted even from the present unsatisfactory constitution. He also took credit for having helped to form the Independent Party in Bengal.

Colonel Wedgwood's Reply.

Colonel WEDGWOOD took with alacrity, if not with any striking success, the opportunity to put his side of the case. He expressed his bitter disappointment at Mr. Goswami's speech. He was glad to hear the Svarajists were in favour of a wider franchise, and hoped they would maintain their opposition to communal representation either of the workers or anyone else. He hoped that when the Chief Whip got back to India, they would have an epoch-making pronouncement from the Svarajist party. He wanted them to declare in favour of provincial autonomy and a uniform electorate for the whole of India.

There was a vein of provocative sarcasm running through his speech, and his annoyance at the present Svarajist tendencies seemed to interfere sadly with his lucidity. But he made it quite clear that he would have no truck with a policy of obstructive non-co-operation within the Councils, and he warned the Svarajist Party in rather biting terms that they would find such a policy as ruinous and futile as the original non-co-operation of Mahatma Gandhi. Nothing, said Colonel Wedgwood, would give greater satisfaction to the Anglo-Indian bureaucracy than persistence in the tactics which Mr. Goswami had indicated in his speech. Bureaucrats would be quite content to go on ruling Bengal as they were doing now and they were at least managing to keep the peace between Mahomedans and Hindus. The Svarajists might get a majority in most of the Councils next year, but he would be much surprised if their constituents allowed them to carry out the threat to close up all round. He was confident that they would never persuade Madras to shut up the Legislature, and he was nearly as certain about the Punjab. How would closing up the Council help them in that province, where Mahomedans were against Hindus, Hindus were against Mahomedans, and Sikhs were against both? If the Svaraj party got a majority on the Punjab Council, they could put an end at once to the communal favouritism which now prevailed.

Colonel Wedgwood thought that circumstances will prevent the Svarajists from carrying out their policy of uncompromising obstruction. He expressed the opinion that in the Central Provinces, for instance, Dr. Moonje would, before long, accept ministerial office, and that the same thing would happen elsewhere. If, however, they persisted in non-co-operation, it would only mean that in 1939 the bureaucracy would take advantage of the situation, and instead of getting a step forward India would get a step backward. The Colonel warned his Indian friends that if the policy of refusing responsibility was continued, they would find themselves back in the conditions of the Morley Minto period.

There was a volley of interruptions during part of the time Col. Wedgwood was speaking, and the incoherence of some of them did not add to the clarity of his hasty improvisations. The obscurity might have been cleared a little if he had remained to answer a few questions, but as he had to be back in the House of Commons, he hurried away as soon as he had finished his speech.

The Labour Party Denounced.

Colonel Wedgwood was followed by Mr. CHAMAN LAL, who let himself go without restraint. Mr. Goswami had spoken more in sorrow than in anger, but Mr. Chaman Lal poured forth the vials of his wrath upon Colonel Wedgwood and other so-called friends who, he said, had betrayed the cause of India. These people had forgotten all their pledges and resolutions. The views put before them that

day on behalf of the Labour Party represented a policy of utter bankruptcy. What further confidence would they place in a gang of traitors like MacDonald, Wedgwood, and Olivier? Even their own followers were disgusted with them. Some Labour members of the House of Commons had come to him after the debate on July 9, and had told him that they entirely disapproved of the policy of the front bench.

Mr. Chaman Lal went to accuse Colonel Wedgwood and his friends of trying to hoodwink the Labour masses in this country as to the position and policy of the Swarajist Party. He denied the suggestion that that party was out of sympathy with the workers and pointed out what it had done in the interests of Indian Trades Unions. Colonel Wedgwood had twitted them with what was likely to happen when they had captured all the legislatures and put them out of the action. He (Mr. Chaman Lal) warned them that matters would not stop at that point. There would be a wave of unrest in India, followed by a crisis such as no British Government headed by even half a dozen Birkenheads would be able to withstand. They were determined to shed their own bloods, if need be, in this cause. They could no longer put their trust in such broken reeds as Ramsay MacDonald and Colonel Wedgwood. They must in future rely upon themselves.

Mr. HORNIMAN spoke to much the same effect as Mr. Chaman Lal. He described Colonel Wedgwood's speech as an insult to every self-respecting Indian. All he had put before them was a humiliating policy of "Funk," which was offensive and disgusting in its implications. He had more confidence in the people of India than to believe they would follow the advice of Colonel Wedgwood. As regards Bengal he was convinced that when non-co-operative obstruction had been carried out it would be followed by a further stage, which might be non-violent civil disobedience, or something very different from that which would bring the administration of Bengal by a foreign Government to an absolute and permanent end.

"Madras Mail's" Slandorous Misrepresentation.

In the following article published on the 14th August the *Madras Mail*, an Anglo-Indian daily, vented its spleen against the Swarajists by misrepresenting the speeches of Messrs. Goswami and Chamanlal at the Essex Hall, London.

"In England, Mr. T. C. Goswami, Treasurer of the Swarajist Party, stated that the Swarajist Party were working towards the end of a trial of physical strength with England. When, therefore, he arrived in Madras to-day we were anxious to know something more about this hitherto concealed object of the Swarajist Party. A representative of 'The Madras Mail' to this end, called on Mr. Goswami and asked him to give more details, but Mr. Goswami had been taught to be cautious and begged the questions by saying that he wanted time to study Indian conditions before making a statement. This comes queerly from one who, less than a month ago, was proclaiming to a large audience, composed mainly of Indians, in London that the inevitable climax of Mr. Gandhi's non-co-operation policy was a mighty insurrection in India, and who listened, apparently without protest, to Mr. Chaman Lal's declaration that they 'would, in the end, stir the peasants of India into such a wave of unrest—that they would with their blood win their cause.' It is not strange that one who could speak so definitely and tacitly agree to a definite statement a little more than three weeks ago, should to-day find it necessary to study the situation in India before he makes any statement on his previous utterances? What is the obvious conclusion? Is it not that Mr. Goswami, when he addressed the Essex Hall meeting was, to put it politely, speaking without the book. He wanted, like other demagogues, to create an impression. He should remember that news travels quickly these days, and what he said in London on July 22 is common property in India to-day. To plead ignorance of Indian conditions on the top of such a definite deliverance on these conditions tends to breed incredulity regarding his future utterances.

To the average Indian, however, the importance of Mr. Goswami lies in his Essex Hall revelation of the purposes of the Swarajist Party, a revelation that comes dramatically on the eve of an election in Madras. Does the average Indian want an insurrection in India, does he want the horrors of a bloody revolution? And is he prepared to support a Party, which, under the guise of non-violence, is deliberately pursuing a course and planning policies which must lead to bloodshed, and which is hoping for strife? Men like Mr. Chaman Lal are not to be misunderstood. When they speak of the rise of the peasants they do not speak of a rise against the few Europeans in the country, but against all who believe in constitutional procedure, who prefer law and order, individualism to

communism or Bolshevism. The revolution that Mr. Chaman Lal, and presumably Mr. Goswami too, envisages is a revolution of the "sans culottes," and in that revolution Indians will be the greatest sufferers. We have often stated, and been derided for stating it, that Mr. Gandhi and the Swarajists are heading for revolution. We now have the treasurer of the Swarajist Party admitting this goal, and refusing to explain why the end has hitherto been concealed. Whether they are to reach that goal is for Indians not Europeans to decide. Apathy and indifference will not stop them. Vigorous counter-propaganda and a determination on the part of peace-loving Indians to give no manner of encouragement to the would-be insurrectionists will

Mr. Goswami's Rejoinder.

Mr. Goswami, whose attention was drawn to this article, addressed the following letter to the Editor of that paper warning the journal against indulging in such mischievous misrepresentations, the evil effects of which would recoil on its "own dear partisans" whom it sought to mislead.

"..... As regards the main point of your article, I notice your almost epigrammatic statement that "news travels quickly in these days" and that what I "said in London on July 22 is common property in India to-day." Quite accidentally I came across this morning a summary of my Essex Hall speech in a recent number of, "The Hindu," and I cannot describe it as an unfair report. If that report is "common property in India to-day", it is apparently not the property of "The Madras Mail." So far as I am concerned and so far as any one who is capable of reading between the lines is concerned—the psychological explanation of your strange article is to be found in what I regard as its key-sentence; you speak of my speech as a "revelation that comes diametrically on the eve of an election in Madras." I suppose it does; and I am sure your comment on it will be treated as very dramatic. Attempts to save a country from "the horrors of a bloody revolution" are quite familiar enterprises in electioneering. You must have heard of a new party in England calling themselves "British Fascists," who are not inappropriately referred to as "B. F.s."

"I began my Essex Hall speech, which I made at the request of the London Indian Association and in the presence, among others, of the Rt. Hon'ble Colonel Josiah Wedgwood, who took part in the discussion, by clearly stating that it was impossible for me to make any statement on behalf of the Swarajya Party, as I had no opportunity of consulting the leaders since Lord Birkenhead's statement in the House of Lords and that I could only say what I thought would be the probable course that the Swarajists would take. And I said that I expected the Swaraj Party to continue its policy of resistance, to contest the General Elections in 1926 with a view to securing majorities in all the Legislatures and to create a constitutional deadlock unless an honourable settlement was meanwhile arrived at. I did say on that occasion—as I have said frequently—that those who are in authority ought to realise that they were "exhausting the last stages of constitutional struggle in our country" and that the Swaraj Party always stood for "a peaceful adjustment of interest." The main purpose of my speech was, however, to expose the hollowness of the latest arguments of the front bench Labour Mr. P.'s that the Swarajists were afraid of democracy and that these M. P.'s were the divinely ordained trustees for the "labourers and peasants" in whose interest they had so far failed to do anything substantial. Either your informant is wrong, or the writer of your editorial has allowed himself a little more latitude in the matter of treatment of facts than is considered permissible even by your fellow Anglo-Indian journalists.

"You have further brought in the name of my friend Dewan Chaman Lal, and have dared to describe him as the enemy of not only all Englishmen but also of all who believe in the various things other than Bolshevism. It is unlikely that he will see your article; he is probably still in Europe. But I cannot let this statement pass unchallenged. It is a cowardly slander. His actions, like mine, have been in the open, in the full blaze of publicity. You may differ from our views; and you may censure our actions; but it is only gentlemanly to confine your criticism and censure to actual facts. What to me is ridiculous nonsense may have a mischievous effect not only on your political opponents, but—as frequently happens in the end—on those dear partisans whom you seek to mislead. As opponents of Swarajism, Anglo-Indian Journalism is only one of the factors—and a minor one—we have to contend against".

The British Commonwealth Labour Conference

The British Commonwealth Labour Conference began its meetings on the 27th July 1925 in the rooms of the Empire Parliamentary Association. The Indian Delegates were Mr. M. N. Joshi and Dewan Chaman Lal. Mr. Polak and Mr. Saklatvala were permitted to attend the conference as advisers to the two Indian Delegates. The conference lasted for one week. Mr. Ramsay MacDonald opened the proceedings.

Self-Government for India.

On the 28th July the question of the grant of self-government to the subject peoples within the Commonwealth was raised by Dewan Chamanlal who moved the following resolution :—

"The delegates at the Conference having heard the views of the Indian delegates recommend their constituent bodies to support the demand of India for the immediate grant of self-government."

The question of Indian self-government was not on the original agenda for discussion. Dewan Chamanlal insisted at a private meeting of the delegates on its being brought forward with the result that he was allowed to move the above resolution which he supported with a powerful speech.

He severely condemned the Labour Party's policy towards India and demanded the assertion of the principle of self-determination and a pledge of support to the policy of immediate self-government. He denounced the Labour Government for the Bengal Ordinance and refusal of a round table conference and said the Labour Party in future must avoid such deplorable mistakes.

Mr. Joshi made a speech in support of this resolution which, at his suggestion, was referred to a committee, which recommended the passing of a resolution as far as India was concerned, but recommended that as far as other subject peoples were concerned the subject should be discussed in the next conference after consultation with the respective labour organisations.

Representation of Working Classes.

The next subject discussed was the position of the Commonwealth as regards the conventions and recommendations passed by the International Labour Organisation. Mr. Joshi took part in this discussion and pressed his point regarding the desirability of the representatives of the working classes in the Dependencies and Mandated Territories being invited to attend International Labour Conferences. The point was accepted by the conference.

Equal Treatment for Indians.

Mr. Joshi opened the discussion on the position of Indians in British colonies and proposed a resolution that no disabilities of any kind should be placed upon any persons already settled in any British colony on the ground of race or colour. The resolution was referred to a committee which was disinclined to recommend the passing of any resolution on the general question, which may be raised at the next Conference. Mr. Joshi then tried to get the committee to pass a resolution recommending a Round Table Conference for the discussion of the position of Indians in South Africa, but as the South African delegate would not agree to the resolution and as the Committee was unwilling to recommend the passing of the resolution, by a majority, in a Conference the constitution of which was not fixed and without the delegates

having definite mandates, they recommended that the Secretary of the Conference should write to the Trade Union Congress in India and in South Africa to arrange a joint meeting of their representatives to discuss the position and if anything is not done before the next Conference then the Conference should discuss the question again. Mr. Joshi protested against the attitude of the Conference in refusing to take up a just attitude for fear of offending the South African delegate.

Annual Conference of the Labour Party

The Annual Conference of the Labour Party which was holding its Session at Liverpool adopted a resolution on the 30th November 1925 recognising the right of India to self-determination and to the full privileges of Self-Government. The resolution was adopted without any debate.

Mr. George Lansbury who moved the resolution said :—"You may hold down India by bayonets and bombs, but nations struggling for freedom have often been able to overcome the most merciless tyranny and I do not believe that the British Empire can much longer hold India, as it is to-day." India is a country which had to submit to a conquest of the worst form, although it had a civilisation much older than that of Britain. He did not believe that British rule in India had benefited either the British or the Indians, although it might have benefited a certain group of men and women who lived parasitical lives.

Largely owing to our own policy the Indians were to a great extent uneducated, but one thing they did understand was that they were ruled by a Government over which they had precious little control and that they were kept down by a foreign army of occupation which required one-half of their total revenue to maintain. He did not believe that India could be held much longer under these conditions.

Mr. Fanner Brookway, who seconded, read a telegram from Allahabad on behalf of the Swaraj Party demanding full dominion status.

The following is the text of the resolution :—

Self-determination for India.

"The Conference recognises the right of the Indian peoples for full self-Government and self-determination. It welcomes the declarations of representative Indian leaders in favour of free and equal partnership with other members of the British Commonwealth of Nations. It expresses the opinion that the policy of the British Government should be co-operation with Indian people in this object. It declares its agreement with the conclusions of the Minority of the Reforms Committee, that the defects inherent in the Government of India Act cannot be remedied satisfactorily by amendment of the Act or the Rules thereunder. It is convinced that the Indian political situation makes it imperative that immediate steps should be taken to place the Indian Constitution on a permanent basis, and with a view to a new atmosphere of friendly discussion, that all coercive measures and repressive legislation be withdrawn. It notes the Secretary of State's declaration that the Government would most carefully examine any Constitution framed by Indians, carrying a fair measure of general agreement, but regrets that his invitation in effect, was delayed until 1929. It asks him to examine the Commonwealth of India Bill and any other proposals submitted, and to call a Conference of representatives of various Indian Parties, with a view to the immediate application of a Constitution in accordance with the wishes of the Indian people."

The Legislative Assembly

SIMLA—20TH AUGUST 1925.

H. E. Lord Reading opened the autumn session of the Indian Legislature in an important speech lasting an hour. The galleries of the Legislative Assembly were overcrowded by visitors who had assembled since half past nine.

The Viceroy set forth before the Legislative Assembly the future policy of the Government as regards the Reforms, and stated in clear terms that no question of change could be considered before the statutory limit of 1929.

His discussions in England—said Lord Reading—confirmed his opinion. No party would yield to pressure for any premature concession. All were sympathetic towards India, but the only road to the ultimate goal was through friendly co-operation. The appointment of the Statutory Commission at this stage would only, in his opinion, result in disappointment.

Discussing the Minority and Majority Reports of the Muddiman Committee Lord Reading described the recommendations of the Minority as unpractical and declared that his Government had made up its mind to give effect to the suggestions of the Majority.

The Viceroy announced the appointment of a Royal Commission to investigate the problem of Indian Currency and Exchange.

After paying tributes of regret for the death of Mr. C. R. Das, Sir S. N. Bannerjee, K. B. Shamsuz-Zoha, Sir L. Miller and Lord Rawlinson, H. E. the Viceroy said :—

"Gentlemen of the Legislative Assembly, in pursuance of the provisions of the Government of India Act, you have been called upon for the first time to elect your President on the 22nd day of this month and it is therefore fitting for me, on this occasion, to express my own and my Government's appreciation of the services which have been rendered—not only to the Assembly, but also to the Provincial Legislative Councils throughout India,—by the first President of the Legislative Assembly. The Legislative bodies as established under the Government of India Act were so different in their composition from those set up under the earlier Acts of Parliament that it was thought right to make provision for a President who should be indubitably independent of the Government, a person clear of all possible suspicion of being even unconsciously biased in favour of the Government. At the same time it was recognised that on the standard set by the first Presidents of the different Legislative bodies and, more particularly, on the standard set by the first President of the Legislative Assembly the future of the Assembly and of the Legislative bodies in the Provinces would greatly depend. It was essential that the first President of the Assembly should be a man liberally versed, not only in the written rules, but also in the unwritten tradition of the Mother of Parliaments so that in the time allotted to him by the Statute, he might establish in this Assembly, a high standard of public order, a true appreciation of the dignity and responsibilities of the Chamber and a perfect confidence in the rigid impartiality for the chair, and further that he might foster in every member of the Assembly a deep sense of regard not only for the rights, but also for the feelings of every other member of the Chamber, a sense of regard which should remain unaffected even in the extreme heat of party controversy.

Tribute to Sir Frederick Whyte.

"Gentlemen, to my great regret it has not been my privilege to attend your proceedings in person, but in addition to your printed proceedings, a daily report reaches me

of your doings. Aside from these sources and from the testimony of official and non-official members of this Assembly, and also of the distinguished visitors from many parts of the world, who have witnessed your proceedings, I am able to say with confidence that Sir Frederick Whyte has discharged, to the utmost, the very heavy responsibilities laid upon him as the first President of the Legislative Assembly, and I welcome this opportunity of tendering to him my thanks and the thanks of my Government for his very notable achievement. If I may be allowed to offer advice to his successor it is that he must maintain the tradition, which has been established for your Chamber by your first President and to this end I ask you, gentlemen of the Assembly, to give to your new President in his difficult task the generous co-operation which you have always accorded to your first President.

"I pass now to a brief review of the affairs of India. I am glad to say that our relations with the neighbouring States remain cordial and that no questions of importance are outstanding. I wish I could report an equal absence of controversial matter in regard to the position of Indians in South Africa. At the moment I should not be well-advised to say more than that my Government is watching the situation closely and is still in communication with the Government of South Africa.

The Cotton Mills Crisis.

"In internal affairs we have been faced recently with some industrial depression. Fortunately this has not been associated with any failure of Indian harvests and exports have been well maintained. The depression in Indian industries appears to be a phase of a world-wide movement throughout the world. Industries are experiencing the difficulties of adjusting themselves to the new post-war conditions which India could not expect to escape. India has, in fact, been fortunate that this change has not come to her so quickly or so severely as in many other countries, and owing to a succession of good harvests, there is a measure of buying power in the country. Nevertheless the process of adjustment is difficult and the condition of several of these industries will come before you. Public attention has recently been directed to the great cotton mill industry which after a period of unexampled prosperity and expansion is now experiencing a reaction. My Government has been watching the position closely and I have consented to receive a deputation early next week from the mill-owners of Bombay and Ahmedabad. In the circumstances I will reserve any further observations.

Tariff Board's Reports.

"Four reports by the Tariff Boards, marked by that thoroughness which I have learned to expect from its work, have been published and the conclusions of my Government on three of them have been made public. A fifth report dealing with steel has just been received and the proposals in regard to it will be placed before you in the course of the session. You will also be asked to consider a Coal Grading Bill, framed on the recommendations of the Coal Committee, and designed to rehabilitate Indian coal in the overseas markets. My Government, while giving due attention to industries in the restricted sense of the term, are determined, so far as circumstances permit, not to neglect the interests of what is really the greatest of all Indian industries, namely, agriculture. I know from my discussions with the Secretary of State that my Government can rely upon his most cordial support of this policy. The direct responsibility of the Government of India for the agricultural development in the Provinces ceased with the inception of the Reforms. In view, however, of the paramount importance of agriculture as the basic industry of the people of India, of the improbability of Provincial Governments being in a position to undertake research on the scale required, and of the necessity for co-ordinating activities in the wide field of agricultural development, the Central Government must continue to play an important part in agricultural progress. Their present agricultural policy is mainly directed to fostering research and undertaking work which is outside the normal ambit of provincial activities by reason of its All-India character. With the improvement this year in our finances we have been able to increase very considerably our activities in the sphere of agriculture. The Agricultural Institute at Pusa is expanding its work of research, which is the basis and condition of all progress. That work has already borne remarkable fruit. New varieties of crops (I would instance sugar-cane and wheat) the product of careful research and experiment in our laboratories and experimental farms, have added within the past few years rupees to the wealth of the agriculturist and these achievements point the way to still more wonderful possibilities.

Agricultural Conditions.

"Agriculture in India must in the main depend on cattle for its motive power and what is of vital importance is not an increase in the numerical strength

cattle, but an improvement in quality. This problem is being steadily attacked from more than one angle in the Cattle Breeding and Dairy Farms under the Government of India, but apart from direct activities I conceive that one of the most important functions of a Central Government in respect of a great All-India interest is to facilitate the co-ordination of provincial efforts. My Government have some time past had under consideration a proposal for the establishment of an All-India agricultural organisation, which would help towards co-ordinating the activities of the various Provincial Departments of Agriculture, promote research, agricultural education, co-operation and other established aids to agriculture, and serve as a medium for agricultural propaganda throughout the country. With the object of obtaining the views of representative and responsible authorities from all parts of the country, before a definite scheme is formulated, it has been decided to refer this proposal to the Board of Agriculture, at its next meeting, which will be held at Poona in December of this year. It is hoped that, in addition to the regular Provincial Representatives, the Ministers of Agriculture of the various Provinces will also be able to attend.

Civil Justice Committee's Recommendations.

"The action taken by the Government on the report of the Civil Justice Committee, presided over by Mr. Justice Rankin, will be a matter of interest to you. I have no doubt that many of you have studied that report and recognise the wide extent of the ground it covers. Many of the recommendations can be put into effect by Local Governments, the High Courts and the presiding officers of the courts of justice throughout the country. In some cases we have decided to reduce the proposals of the Committee to the concrete form of Bills, which will come before you during this session. In others we have addressed the Local Governments and the High Courts and shall prepare Bills for your consideration after we have received their opinions. I have mentioned before the great importance which attaches the work of this Committee and the value of the reactions which must follow on improvements in the machinery for the administration of civil justice. I wish now to express my high appreciation of the Committee.

"Last January I announced that, in view of the opinion expressed in the Assembly regarding the need of an economic enquiry, my Government had decided to appoint a small Committee to report on the material which exists for holding an enquiry into the economic conditions of the people of India, the feasibility of instituting an enquiry of this character and the manner in which it could be carried out. This Committee has been at work during the last few months under the Chairmanship of Sir M. Visvesvaraya and has just completed its report, which is now in the press. It is the intention of the Government to publish the report at an early date and the Committee's recommendations will be examined without delay. I must express my appreciation of the expedition with which the Committee have dealt with this complicated subject.

A Royal Commission on Currency Problem

"When I addressed you last, I dwelt at some length on the difficult questions of Currency and Exchange and I announced the intention of the Government to appoint an authoritative committee to consider the subject of the Rupee Exchange as soon as the world economic factors appeared sufficiently stable to justify the formation of a new policy. With the return of Sterling to a parity with gold there is fulfilled one of the most important conditions requisite for a fruitful re-examination of our Indian problems. The position has been considered in consultation with the Secretary of State and I am now able to announce that His Majesty the King has approved the appointment of a Royal Commission on Indian Currency. The terms of reference to the Commission will be to examine the Indian exchange and currency system and practice, to consider whether any modifications are desirable in the interests of India and to make recommendations. It will be seen that the terms of reference are wide enough to admit the consideration of all important questions of currency policy and that the membership of the Commission also ensures the adequate representation of Indian opinion. I am glad to inform you that the Right Hon. Hilton Young will act as Chairman and the following gentlemen have consented to serve as Members of the Commission:—Professor J. C. Coyajee, Sir Manekjee Dadabhey, Sir Reginald Watt, Sir Rajendra Nath Mukherji, Sir Alexander Murray, Mr. W. E. Preston, Sir Henry Strakosch, Sir Purshottomas Thakurdas and Sir Norcott Warren. The Joint-Secretaries will be Mr. Iyer of the Indian Finance Department and Mr. Baxter of the India Office. It will be apparent that every care has been taken to obtain an independent and impartial examination of this important subject. The Commission will, it is expected, commence work next October.

Proposal for an Indian Sandhurst.

"There is one other important enquiry to which I must refer. The Government of India recently appointed a Committee which has come to be known as the Indian Sandhurst Committee. The investigations of the Committee will embrace not only the whole subject of the best and most suitable means of training Indians to hold worthily and efficiently His Majesty's Commission, but also the question of what measures should be adopted in order to attract the best type of Indian youth, in greater numbers than are at present forthcoming, to a military career. I attach great importance to the enterprise upon which the Committee are embarking. If they are successful it may be said that they will, to the extent of their achievement, help India forward in the path of progress. The Committee is widely representative of different branches of Indian opinion and I am glad to note that in this important enquiry we shall have the assistance of the Leader of the Swarajist Party. I must express gratification that he is prepared to contribute to the elucidation of the problems involved, but I should not think of seeking to press the implication of his action further than he himself wished. His own statement of the reasons for the course he has adopted should, in my judgment, preclude any more extended inferences.

"The establishment of a Public Service Commission is being actively pursued in correspondence with the Secretary of State and I have every hope that it will shortly be possible to make an announcement detailing its function, its constitution and its personnel. I am aware that great importance is attributed to the Commission, both by the public and the members of the Public Service. I believe that it will provide an independent and impartial tribunal for the examination of the Services' grievances.

The Sikh Settlement.

"Among other matters of importance with which my mind was naturally much preoccupied at the time of my departure for England, though even then I recognised and welcomed tendencies of a happier augury, was the situation relating to the religious endowments of the Sikh Community and the various issues connected with it. During my absence I watched the progress of events with keen and sympathetic interest. It is a matter of great gratification to me that on my return I find that the hope of an improvement in the situation has been realised or is in a fair way to be realised. During the whole course of the events and controversies which have engaged public attention—and sometimes I regret to say disturbed the public peace in the Punjab—the Government of the Punjab and my own Government have been animated by a constant and single desire to promote, by every means in our power, a stable and equitable and a friendly settlement of all the matters in issue, which shall do justice to the claims of all the interests legitimately concerned and which, in particular, shall restore the traditional relations of good understanding and mutual confidence between the Government and the Sikh community. It is my belief that those relations, glorious in war and no less renowned in peace, whatever misunderstandings have arisen and whatever unfortunate incidents have occurred, have never in truth suffered more than a partial and temporary disturbance, and I welcome every prospect of their complete renewal and consolidation.

"The immediate and tangible fruit of these changed conditions has been the enactment of a measure by the Punjab Legislative Council, on the motion of a private member belonging to the Sikh community, and in the formulation of which the Punjab Government rendered assistance, which has been warmly acknowledged, to regulate the management of the Sikh Religious Endowments. This measure has received so large, and I may say, so overwhelming a preponderance of support from the interests, directly or indirectly concerned, as to leave no doubt of its general acceptance and it has received the assent of the Governor-General. The Government of the Punjab have taken the opportunity of the passing of this measure to make a generous offer to those persons under detention in that province for certain offences arising out of the agitation and I trust that wise counsels will prevail in regard to it. I count as one of the palpable signs of a hopeful and auspicious future the recent conclusions, regarding the arrangements for the ceremonial reading of the Sikh scriptures at the Gangaar Gurdwara in the Nabha State. The policy scrupulously observed by Government has been to interpose no obstacle there or elsewhere to the free observance of religious ceremonies that will conflict with well-established rights and liberties. I will say no more on a subject, which might revive old controversies than that I have every hope and confidence that with the conclusion of the ceremony I have referred to and the release of the persons detained in the Nabha State, we may all now unite to treat this incident as a closed chapter. A Bill will be

laid before you in the course of the present session the object of which it to validate such of the provisions of the Punjab Act as are beyond the competence of the Local Legislature and I am confident that a measure which offers so fair a prospect of a practical and equitable settlement of a momentous and complex issue, and which is supported by so weighty a body of public opinion, will receive also your ratification and endorsement.

"Much has been achieved and we may survey with legitimate satisfaction the progress recorded, rendering due acknowledgments to the sympathetic consideration and the indefatigable labours of His Excellency Sir Malcolm Hailey and the Government of the Punjab, and to the common sense, mutual forbearance and public spirit of all concerned, which have made it possible. I trust your deliberations will complete a legislative Act which will not only afford a just and satisfactory solution of the matters it expressly contemplates, but will also contribute powerfully to the union and reconciliation of diverse aims in other spheres of interest. If we persevere and redouble our efforts in the path of mutual forbearance and understanding I have every confidence that the future will crown our labours.

The London Conversations.

"My main purpose in requesting your attendance to-day was in order that I may address you specially upon the events connected with my visit to England. When I received the invitation from His Majesty's Government to return to England I gladly availed myself of it. I had been in India over four years and had seen several changes of Government in England during this short period. A general election in autumn had just installed a new Government in office, the fifth with which I have had the privilege of serving. It seemed to me eminently desirable in the interests of India that I should take the opportunity for the first time afforded to one holding my high office. During my stay in England I had many conferences and discussions with the Secretary of State and I also had the great advantage of representing the situation in India, as I conceived it, to the Prime Minister and also to the Cabinet. Towards the end of my visit the Secretary of State made an important pronouncement in the House of Lords upon Indian affairs. The speech undoubtedly aroused unusual interest in Parliament and the country. It was the first review by the Secretary of State of the general situation in India since he had assumed his high office, and it had been deferred until after the conclusion of the conferences with me. In addition it possessed a special attraction by reason of the forceful personality and intellectual capacity of the Secretary of State. You will have observed that His Lordship was careful to state that he was not announcing or purporting to announce decisions or conclusions. Nevertheless it cannot be doubted that as a survey of the situation it formed an important event in the history of political development in India. It was made after a careful study of the problems and after a full consideration of the views which I had presented in numerous conferences as the result of my experience in India. The speech in the House of Lords was followed almost immediately by one in the Commons. I do not know whether many of you have had the opportunity of studying the report of the debate which was of special interest to India. It showed, as it appeared to me, a growing appreciation and a sympathetic understanding of the complexities and difficulties of Indian political problems. You will have gathered from the Parliamentary reports that the general lines of the pronouncement were not seriously challenged in the British Parliament. I confess that I have therefore been somewhat disappointed, on a perusal of the reported speeches of the political leaders in India and of the articles in the public press, to find that the speech has been received in some quarters in so critical a spirit. The impression on my mind is that its importance and value to India have not been sufficiently appreciated.

Lord Birkenhead's Statement.

"I look upon the Secretary of State's address as a message of sympathetic encouragement to India, at least to those who are desirous of advancing to responsible Self-Government within the British Empire. It is an emphatic indication that political opinion in England stands firm upon the declarations made in 1917 and in 1919, without distinction of political parties. I shall endeavour to place before you a survey of the situation as it presents itself to me to-day. I trust I am not too optimistic in my belief that a temperate examination of the problems in an atmosphere, free from suspicion and prejudice, may lead to more earnest and sincere co-operation and good-will from Indian politicians. I cannot hope to convince all sections of those who take an interest in public affairs. But if we are to advance towards a solution of our problems we must get rid of the elements of bitterness and suspicion, which breed their evil progeny, alas, too rapidly, and try whether the spirit of goodwill may not prove a solvent for the difficulties

which have hitherto seemed to defy solution, I would ask those who may differ from me to bend their minds for a moment towards me and to weigh the observations based upon the experience of a life-time and applied to Indian affairs by one, who claims to be devoted to India and her interests.

"I came to India charged with the duty of helping to establish the Reformed Constitution and of assisting the country along the road of advance mapped out in the declaration of August 1917. The first great measure in pursuance of the new policy had been embodied in an Act of Parliament. It was unfortunate that this new system was launched at a period when the atmosphere was charged with bitterness and animosity. It is unnecessary to recapitulate the difficulties it encountered from the moment of its birth. They are still fresh in our minds. It suffices for the moment to recall that it met with determined opposition from certain sections of the community, directed at first from without the Councils and latterly also from within. Remember that this was a newly fashioned constitution, indeed a constitutional experiment without precedent, designed to meet the peculiar complexities of the situation in India. It had no doubt its imperfections, but it was the product of deep thought and the outcome of a genuine desire on the part of the British Parliament to give effect to the patriotic aspirations of the Indian political leaders and to initiate a system of self-governing institutions.

The Muddiman Enquiry

"Much of the criticism directed against the Constitution was clearly in the nature of a protest against the refusal to grant complete Self-Government at one step, but the ranks of the critics were also swelled by those who argued that the system did not fulfil the intentions of its authors and suffered from obvious defects which should be removed. These charges deserved examination and after three years' experience of the new constitution, my Government, with the approval of His Majesty's Government, decided that an enquiry should be made, not with a view to altering the structure, but for the purpose of determining whether any measures could be advised whereby the system might work more smoothly and efficiently. These problems were examined by the Reforms Enquiry Committee, to whose labours both my Government, and all those who are interested in the working of the Constitution, owe a debt of gratitude. I regret that the members of the Committee were unable to come to unanimous conclusions. The majority have made a series of recommendations which, taken broadly, appear to be acknowledged as suggesting improvements on the existing practice. They are fashioned with a genuine desire to improve the present machinery. I do not of course claim for them infallibility or deny that they must be examined in detail with some care. My Government are prepared to accept in substance the view of the majority that the Constitution should be maintained and amended, where necessary, in order to remove the defects in its working, on the lines recommended by them. My Government cannot, at present, commit itself to all the individual recommendations or to the form or method by which they should be carried into effect inasmuch as there has not been sufficient time for a full consideration of them with the authorities concerned, or even by me with my Council. An opportunity will be afforded to the Legislature for debating this policy, and every consideration will be given to the views presented to us before final conclusions are reached. The Minority, consisting of gentlemen whose views are entitled to receive and have received the most careful examination of myself and my Government and let me add of Lord Birkenhead, have stated that they have no objection to many of the proposals of their colleagues, but that they were unable to accept the report of the majority, because they desired to progress more rapidly and by different methods. In their opinion no substantial results will be produced by the process of amendment of the defects recommended by the Majority. Briefly the Minority ask whether the Constitution should not be put on a permanent basis with provisions for automatic progress in the future, and they are in favour of a system of Provincial Autonomy. They press for an early enquiry with a view to fulfilling these aspirations. To the subject of Provincial Autonomy I shall return after. It is sufficient to say, at this stage, that the Minority, mindful of the terms of reference, do not present it as a practical and fully considered scheme but content themselves with putting it forward as an ideal. The steps for its attainment clearly demand further investigation. In effect, therefore, the recommendations of the Minority amount to a demand for an early and authoritative enquiry, with a view to a revision of the Constitution. The issue at the moment between them and the Government of India is largely one of time for the appointment of a Commission. It has been laid down in the Government of India Act that in 1939, that is in four years from the present time, there must be a full enquiry into the Constitution, such as the Minority desire. But the Minority say that they

wish the enquiry to take place at an early date. I understand their impatience, but my Government and I after most carefully weighing their views, have reached the conclusion that the moment for an enquiry has not yet arrived. The enquiry contemplated by the Act will be a genuine and an impartial enquiry; nothing will be prejudged. It will proceed upon the facts for the situation as ascertained upon the evidence produced before the tribunal and here I must remind you of the words of the preamble to the Government of India Act, which have already been quoted by the Secretary of State: "Whereas the action of Parliament in such matters must be guided by the co-operation received from those on whom the new opportunities of service are conferred and by the extent to which it is found that confidence can be reposed in their sense of responsibility." If these are to be the principles to guide the Commission to its judgment I cannot think, as a friend of India, that it should commence its enquiries immediately.

"If the judgment of the British Parliament were to be pronounced upon the present evidence, I fear that it could but result in disappointment. I have not abandoned hope that as the days proceed evidence of a spirit of co-operation may yet be forthcoming from that large section of political opinion, which has hitherto stood aloof and that it may be manifested that the political attitude of those who have hitherto declined to shoulder any responsibility may undergo a change.

"I know that there is a school of thought in India which preaches incessantly that nothing is to be won from England save by force or threats. Believe me, that is a profound mistake and if persisted in, cannot, but embitter the relations of the two countries. The Reforms took their origin in England in a spirit of goodwill, not of fear and of optimism, nor of opportunism. The history of the last few years has damped the hopes and dimmed the expectations of many of those in England who wish India well, but those hopes can be rekindled, those expectations can be recreated if India shows the hand of friendship, instead of menace.

Question of Re-Examination of the Constitution.

"While I am sure that the present would be a most inappropriate moment to hold the Statutory Enquiry, I wish to re-emphasise what was made abundantly plain by the Secretary of State in his speech, that there is no special sanctity attaching to the year 1939. The re-examination of the constitution may take place at any time not later than 1939, when the British Government are persuaded that there has been a genuine co-operation of responsible Indian political leaders in working the existing Constitution and when a sufficient experience of these new, and still largely untried, conditions has been gathered to form the basis of a considered judgment and to enable proposals for the future, to be made with some confidence. Is it not worth while to make a real attempt to wipe out past controversies and to unite in an effort to test the system at present established? In the Secretary of State's words, "we desire and request goodwill, nor shall we be niggardly bargainers if we meet with that generous friendship, which is near and dear to our hearts." The desire to help India along the road indicated remains unchanged. I had opportunities of discussing with many leaders of political thought in England, of varied political views. Throughout I was impressed on the one hand by the sympathetic goodwill manifested towards India and Indians generally, and on the other by the determination not to be hurried by threats into premature concessions. I have long been confident that it is through friendly co-operation alone that India will advance to the ultimate goal desired. The events of the recent years and my visit to England have served to confirm this view. I most earnestly commend it as a policy to the Legislature and to the country. I believe that the present moment is specially favourable for a combined effort to work the constitution. Since the Committee reported two new factors have supervened, which should be an encouragement, and are well worthy of your consideration.

Remission of provincial contributions

"Among the many handicaps under which the new system has suffered none perhaps was greater than the financial stringency which dogged its early years. In administration a policy without resources is barren. Too often the Ministers found that from lack of money they could not give effect to their ideas in the field or government transferred to their charge. Hampered by financial difficulties they were exposed to the criticism of having achieved nothing. Fortunately the period of financial stringency, the legacy of the War, seems to be passing away. This year my Government has been able to make a notable beginning in the remission of Provincial Contributions and thereby to place at the disposal of the various provinces, additional resources, a large part of which, it may be hoped will be available for the amelioration of social conditions and for

nation-building activities, in short for those branches of the administration which have been transferred to popular control. I trust that these new resources will strengthen the position of Ministers.

Reorganisation of the Services

"There is one other change of importance which I must not omit to mention. I must confess that I have been surprised to find that so little public attention has been directed to one of the proposals of the Lee Commission, the practical effect of which will soon begin to make itself felt. It had been one of the complaints of Ministers that the organisation of their superior services through which their departments were administered, lay not in their hands, but in those of the Secretary of State. It was the latter who recruited them and who determined their rates of pay and their numbers. We are now to take steps to give effect in this respect to the principle laid down by the Joint Select Committee of Parliament, that ministers should have the fullest opportunity of managing that field of Government which was entrusted to their care. Recruitment by the Secretary of State for the Indian Educational Service, the Indian Agricultural Service, the Veterinary Service, the Buildings and Roads Branch of the Indian Service of Engineers, and, in Bombay and Burma, for the Indian Forest Service, has ceased. In these important branches of the administration the Ministers will be authorized to start building up, by new recruitment, their own provincial services, subject only to such restrictions as experience shows to be necessary for safeguarding the integrity, the independence, and the efficiency, of the public services.

"The problem presented by the Indian Medical Service is more difficult, but heretofore the principle of establishing Provincial Medical Services has been accepted subject to certain conditions which are still under consideration. The combined effect of these changes will become increasingly apparent every year and I am sure that what seems to me at present to be an inadequate appreciation of their importance will rapidly disappear.

"I cannot pass from these observations on to the future of the services without placing on record my high appreciation of the loyal assistance which has been rendered by the members of the Services, and will, I am convinced, continue to be rendered in the working of the new constitution. Without their help the difficulties, already serious enough, would have been stupendous, if not insuperable. For the reasons indicated above I believe that the system of Dyarchy will be found to work in future more efficiently and smoothly and Ministers will in these respects no longer have grounds for complaint that the power and responsibility entrusted to them are impaired by other influences. In any event I have no doubt it is too early yet to pronounce a final verdict as to Dyarchy's failure or success. On a careful survey of the whole situation and a study of the report of the Local Governments I have come to the conclusion that Dyarchy, whatever its proficiencies may be, has so far proved more successful in its operations than some of its friends and most of its critics could have expected. We shall be in a far better position in a comparatively short time to form a final judgment if the system is worked in the future with general good-will and co-operation.

Eastern and Western Ideals.

"In a notable passage in his speech, Lord Birkenhead disclaimed on behalf of the British Parliament any monopoly in the art of framing constitutions and he invited Indians to contribute if they could do so, their own solution. He invited them, to quote his words "to produce a constitution which carries behind it a fair measure of general agreement, among the great people of India." He gave the assurance that such a contribution to solve the problem would be most carefully examined by the Government of India, by himself and by the Commission, whenever that body may be assembled. The time which may elapse before a re-examination of the Constitutions whenever that may happen, could not be better occupied by public men in India than by devoting serious practical thought to these problems. If the British people, working on their own experience, have set up institutions in India, based on Western models, the aspirations of India politicians, towards the establishment of Responsible Self-Government within Empire as the ultimate goal. Responsible Self-Government, based on the Parliamentary institution, is the product of Western thought and experience. It is often contended that we are seeking to arrive at the final destination by imposing ideas on India, which are alien to its genius. We are not wedded to our own methods of attaining our object. Whatever may be proposed will be the subject of the most careful examination by the Government of India and eventually by the Commission, before it is submitted to the British Parliament. The Commission should know whether there is any general consensus

of opinion among the various classes and communities of India as to the direction in which the development of Self-Government within the Empire should be sought. Should we persevere in our proposed course or is there an alternative line of advance which would be more in accordance with Indian ideas and would receive the support of the numerous interests concerned? If any alternative methods are to be suggested, much hard thinking is required. Constitutional problems are not solved by a phrase. Account must be taken of the unparalleled complexities, and the diversities of race, the diversities of religion, the striking diversities of intellectual development and a social organisation which separates classes with a rigidity unknown in any other great country. It must be kept steadily in mind that it is the primary duty of the Government to provide security against external aggression and to preserve peace and order within its territories and, in India, it is imperative that adequate means should be devised for the protection of minorities. No greater problem in Self-Government has ever been set before a people. No problem has ever more assuredly required accurate and practical thinking.

Demand for Provincial Autonomy.

"There are many in India at the present moment who hold that the solution lies in Provincial Autonomy. The principle that local affairs should be administered by Local Governments is one that commands general acceptance, but if we are to avoid disintegration, a danger that the history of India constantly emphasises, there must in my judgment, be a strong Central Government capable of exercising a legitimate degree of supervision and control. The relations of such a Government to a number of so-called autonomous provincial Governments have not yet been thought out. It can scarcely be contemplated even by the most ardent friends of Provincial Autonomy that there should be nine or more and, as some contend many more, separate and independent Provincial Governments, entirely free in all directions from supervision and control. Before any scheme of Provincial Autonomy could be established, the functions that should be entrusted to them and the degree of supervision and control to be exercised over them must be explored with the patience. There is an unlimited field of work waiting for those who, like the minority of the Reforms Enquiry Committee, believe that the present Constitution must be radically amended. Meantime, a close contact with the practical working of the present machine will provide a useful corrective against too great an obsession with theory, which history shows to be a danger ever lurking in wait for the drafter of Constitutions.

"Before I close I would draw attention to an attitude not uncommon among politicians, that the programme and conditions of advance laid down in the preamble of the Government of India Act are a humiliation to Indians and that the prescription of successive stages and the testing of each stage by result is a reflection on the capacity of Indians. Be it remembered that we are engaged on a problem new to India and new also to the British Parliament. I think the nature of the problem as it presents itself to the British people, is not fully appreciated by those who express themselves as humiliated. They assume that the path to Self-Government lies along a broad metalled road and that, if they could only be freed from the impediments and restrictions imposed by the present form of Government, they could run safely, rapidly, and directly, to their goal. To my mind the problem presents itself under a different figure. I think rather of a man picking his way through unexplored regions, towards his destination, which glimmers faint, but clear in the distance. He halts on firm ground and seeks the next spot to which he can safely entrust himself. A rash step may engulf him or delay his progress indefinitely. His advance may not be rapid, but it is well and surely planned. As he advances, experience teaches him to distinguish more certainly and quickly the firm ground from the treacherous surface and so he wins to his ultimate goal.

Conclusion

"Gentlemen, if I may strike a personal note the close of my period of office is rapidly approaching and my future opportunities of addressing you, the Members of the Indian Legislature, must necessarily be few. I have spoken to you to-day from the conviction of my heart and I trust, without rousing a tinge of bitterness or animosity. I have expressed to you the thoughts of one, who whatever mistakes or errors he may have committed, has a warm affection for India and a deep devotion to her interests. For these reasons I have been desirous of carrying you with me along the only avenue which, in my judgment, can lead to the promised land, to the proud heights of India's destination. It is my earnest prayer that India, with the co-operation of all of us, of every race, community and interest, that wish her well, may avoid the pitfalls that beset her path and win through to the goal to which her fate is set."

SINLA—22ND AUGUST 1925.

Mr. Patel Elected President.

The first meeting of the Autumn Session of the Legislative Assembly took place on the 22nd August when Mr. V. J. Patel (Swarajist) was elected President with 58 votes, defeating Mr. Rangachariar by two votes.

At the outset Pt. Nehru referred in very feeling terms to the death of Mr. C. R. Das and Sir S. N. Bannerjee. He was followed Sir S. Iyer, Sir A. Muddiman, Sir F. Whyte, Sir D. Lindsay and Mr. Jinnah, all of whom associated with Pt. Nehru in condoling the death of Bengal's two foremost patriots.

The President then asked the house to elect a President. Voting commenced at 11-30, and at 12 o'clock the President declared Mr. V. J. Patel (Swarajist) as duly elected President of the Assembly to 58 votes to 56. There were three spoiled voting papers. The President said he would forward the name of the elected President to the Viceroy, in whose hand approval lay. The announcement was received with loud Swarajist cheers.

On the 24TH AUGUST Sir Frederick WHYTE opened the proceedings by reading a message from the Viceroy approving of Mr. Patel's election as President. Sir Frederick then addressed a few felicitous words of welcome to his successor, who, attired in khaddar and surmounted by a Gandhi cap occupied a seat on the floor of the Chamber.

Mr. PATEL made an acknowledgment in the same spirit voicing his grateful appreciation of Sir Frederick's work in the chair. Sir Alexander Muddiman followed with a speech on behalf of the Government members, in which he declared that this was indeed a historic occasion, since, for the first time, the Assembly had elected its own President and, amid cheers, he affirmed that their retiring President could put off his armour with the knowledge of duty well and nobly performed.

Pandit Motilal NEHRU entirely associated himself with the words of the two previous speakers and wished Sir Frederick Whyte godspeed in the way of the Swarajists.

Mr. JINNAH, in his turn, testified to Sir Frederick's courtesy and impartiality. His conduct of affairs, Mr. Jinnah asserted, would have done credit to the Parliament of any nation.

Sir D'arcy LINDSAY, on behalf of the non-official Europeans, said that through their retiring President's unflinching tact members, who at the beginning were suspicious of each other, had come to understand each other's views, and in this way many lasting friendships had been formed.

Sir Frederick WHYTE, who was obviously touched by the genuine demonstrations of appreciation that had been manifested, said he had received many kindness but the climax of generosity was found in the speeches just delivered by the leaders of all the parties in the Assembly. Interesting references to difficulties encountered and co-operation received followed, and then Sir Frederick invited the members to shake hands with him as President for the last time.

Meanwhile, Mr. Patel had withdrawn. But after a brief interval he returned in the full wig and robes of his office, and to the accompaniment of general applause he took the chair which his predecessor had vacated.

Sir ALEXANDER rose and heartily welcomed the newcomer on behalf of the Government benches. They were confident he would discharge his responsibilities well and he trusted the cordial relations which had existed between them and his predecessor would mark Mr. Patel's tenure of office. The full and loyal support of the Government benches for the Chair would always be forthcoming.

Pandit Motilal Nehru and Mr. Jinnah joined in the welcome, as also did Mr. Rangachariar and Sir Henry Stanyon. Sir Henry speaking on behalf of the non-official Europeans, delivered a little homily to the President, intimating that his political views, if not dead, had gone into hibernation, and that he was now the bond-slave of the conventions which surrounded the Chair.

Mr. PATEL listened gravely, and when the oratory had ceased, rose and delivered, with dignified mien the most remarkable speech of his career. "I have accepted this office with my eyes open, he said, "and I fully realise the implications attaching to it." He had given the question anxious thought, and he had come to the conclusion that he could serve India better by accepting the position. Swarajists had been described as destructive critics; it was their duty to show that they also knew how to construct. The Viceroy had pleaded for co-operation. His predecessor in the Chair had pleaded for co-operation. "And I also plead for co-operation," said Mr. Patel. He particularly appealed to the official members, and he was ready in the fullest sense of the term to extend co-operation to them. The Assembly listened with almost unprecedented attention. They were seeing a marvellous metamorphosis under their very eyes. Mr. Patel, the non-co-operator, developing into Mr. Patel, the stern Constitutionalist and co-operator with the Bureaucracy.

The new President's renunciation was no half-hearted affair. From that moment, he declared, he had ceased to be a party man. He belonged to no party; he belonged to all parties. Amid vociferous applause, he asked his friend, Pandit Motilal Nehru, to pass a resolution absolving him from all the obligations of a Swarajist. As for the rumours regarding his relations with the Viceroy, Mr. Patel brushed them aside. If the duties of his office required it, he would call on His Excellency ten times a day. After the conclusion of this remarkable speech the members shook hands with their new President.

On the 25TH AUGUST the Assembly held its first business meeting. About a dozen new Bills were introduced, including three based on the Civil Justice Committee's recommendations and two on the unanimous proposals of the Muddiman Committee, regarding realising malpractices in Legislative bodies, and granting certain exemptions to members. Other Bills introduced related to insurance companies; centralization of salt; naturalization in British India; amendment of the Presidency and Provincial Insolvency Acts and the Religious Endowments Act, and of Sections 102 and 103 of Civil Procedure Code, as recommended by the Ranken Committee; the Age of Consent Bill, raising the age to 13 and 14 years in the case of married and unmarried girls, respectively, and a Bill amending the Limitation Act.

A Bill was introduced by Sir Charles Innes for the grading of coal and for the grant of certificates for coal intended for export, as recommended by the Noyce Committee, to enable the coal trade to rehabilitate itself in

overseas markets. The Bill was referred to a Select Committee, after Sir Charles Innes had explained that its principle, namely, the establishment of a COAL GRADING BOARD, was acceptable to the Indian Mining Association and the Mining Federation, and that the latter body had already sent in amendments to the Bill, which the Select Committee would consider. He hoped the Bill would be passed this session. A joint committee was also agreed to on the Bill relating to the CARRIAGE OF GOODS by sea.

Members of Currency Commission Attacked

Mr. JINNAH, while moving the adjournment of the Assembly to direct attention to the composition of the Commission, asserted that the Government had failed to implement their pledge that the investigating body should have adequate and effective representation of Indian interests. Mr. Jinnah used no arguments. He repeated again and again that he had no desire to make personal attacks, yet he read to the Assembly uncompromising newspaper comments on one of the Indian members. His complaint was that the Commission represented one school of thought; he maintained that the interests of India and England were in direct conflict in this matter; and he challenged the Finance Member to say whether it was not India's interests that were being sacrificed.

Mr. Jambadas MEHTA, said that the six Europeans on the Commission, were not even known in India, and those of the members that were known, India did not accept. The Indians appointed would not be able to secure election, even to a municipal body. Mr. Ranga IYER voiced in, stentorian tones: "Our duty is to boycott the Commission: to treat them as untouchables."

Sir Basil BLACKETT delivered a serious protest against the attacks that had been made. It was deplorable that because Government appointed ten men to carry out an important task, vilification of some of them was resorted to immediately. And he put it to the Assembly that a very bad impression was created when the inevitable effect of the appointment of Indians with knowledge of the subject at issue to conduct an enquiry was that they were assailed and their qualifications belittled. The Finance Member strongly affirmed that in the appointment of the Committee the interest of India as a whole had been the only consideration. It had been sought to secure impartial men of wide knowledge, accustomed to weigh evidence, who would listen to the views of all the diverse interests concerned and frame their recommendations accordingly. They would not start with pre-conceived judgments and minds already made up.

Pandit Madan Mohan MALAVIYA suggested that three new Indian members, possessing "the confidence of the Indian public," should be added to the Commission. Pandit Motilal NEHRU said that on looking into the antecedents of the members of the Commission it became evident that they had been chosen because they differed from Indian opinion. Sir Alexander MUDDIMAN in a few weighty sentences asked the Assembly to bear in mind the fact that men of great reputation and standing would not serve on Commissions relating to India if they were to be charged with a lack of impartiality, of having made up their minds beforehand. It would require the service of the very best minds the world could provide. Eventually when the vote was taken it was found that Mr. Jinnah's motion had been carried by a large majority, the figures being 64 to 45.

Registration Act Amendment

On the 26TH AUGUST the Assembly sat till late in the afternoon. Mr. Rangachariar's permissive Bill amending the Registration Act to delegate to sub-registrars power to hold enquiry into execution, etc., was referred to Select Committee by 47 votes to 43.

The Government did not oppose the motion but a number of non-officials, including Sir Henry Stanyon and Pandit Motilal Nehru did, while some other non-officials supported it. Pandit Motilal Nehru said that it was not possible to make much progress that day and suggested that another day might be allotted for the business left over.

The Home Member said it was not in his power to assign a day but he was quite agreeable to non-official business being discussed the next day after the official business was over. The President said it was not desirable that non-official business should be taken on an official day, but if the House desired it he would be agreeable.

Maternity Benefits Bill.

Mr. N. M. JOSHI moved the appointment of a select committee on his Maternity Benefits Bill. He said the Bill was circulated last session, and opinions upon it had been received. The principle underlying the Bill was that there should be prohibition of employment for a certain period during confinement, and for that period maternity benefits should be provided. The question of how much the benefit should amount to and how it should be provided were matters of detail which could be examined in the select committee. The Bill was opposed by the Burma and Punjab Government but neither of those governments were greatly affected by the maternity benefit problem. The Governments of the Central Provinces, United Provinces and Madras approved of the principle of the Bill. The Assam Government favoured the principle, but opposed the Bill on the curious ground that the present maternity benefits granted in the Assam tea gardens were more generous than those laid down in the Bill, and that the enactment of the bill might make the employers in Assam less generous.

Continuing, Mr. Joshi said he was surprised that some I. C. S. officers had opposed the Bill, forgetting that they were entitled to a free passage both ways for their families. As regarded the Bombay Government, they could not expect anything better than opposition from a Government containing two of the biggest Indian capitalist European Members who looked after the interests of European employers and a Conservative Governor. The Bombay Council had passed a resolution favouring the principle of the Bill. As regarded the details of the Bill, he would leave it to the Committee to decide whether maternity benefits be granted by employers or by contributions from the Government, and whether it should be applied to all industries or only to some.

Sir Sivaswamy IYER supported the motion, which he described as a humanitarian piece of legislation. The Bill, however, contained many defects of substance. He warned the House against the consequences of hasty and ill-considered legislation, such as might result in the non-employment of women labour.

Mr COSGRAVE said, so far as Assam was concerned, the measure was unnecessary and undesirable. Of the 5,00,000 women who would benefit

by the Bill, half the number were employed in the tea gardens. While Mr. Joshi had based some of the clauses of his Bill on the Convention of the International Labour Conference he had proceeded to evolve his own scheme, putting on the employers alone the burden of raising the maternity benefit fund. (Mr. Joshi: "No"). The Convention had, on the other hand, suggested either an insurance scheme or a contribution from public funds to the maternity benefit. Even Great Britain had not yet ratified the Convention.

Mr. Joshi: Do you mean to tell me that there are no maternity benefits in England?

Mr. Cochrane: There are, but both employers and women contributed to it, half and half.

Sir B. N. MITRA opposed the Bill for practical reasons. He felt that Mr. Joshi had misinterpreted the general sympathy for the object of the Bill as definite support. In India education, sanitation and other nation-building objects had to be financed, and as public funds became available, they should be utilised, giving precedence to the more important work. The majority of the Provincial Governments, particularly Bengal and Bombay, were opposed to the Bill. The latter Governments pointed out that in the cotton mills women already absented themselves, generally for six weeks. Practically all the Provincial Governments had found practical difficulties in working the Bill, difficulties regarding management, disbursement and assessment. Mr. Joshi was a theorist. He had not examined the position to find out the necessity or practicability of the measure, but had brought forward a Bill simply because in some advanced countries they had such a measure. India was foremost among the countries who had rectified the majority of Washington conventions. In European countries he admitted there were maternity benefit schemes, but the Dominions had not generally have such systems. As regarded Japan, the less said the better. When Japan wanted to pursue a matter, no sentiment stood in her way. The evil proposed to be met by Mr. Joshi did not exist in India to any appreciable extent and the best way to meet it would be to foster the growth of a voluntary association for the provision of maternity benefits or better still, maternity insurance should be started to which employers, employees and the State should all contribute. Let trade unions be started and when sufficient data was available, action, if necessary, could be taken on the question of maternity benefits. The present Bill was both unnecessary and undesirable.

After Mr. Chalmers had spoken the Assembly adjourned till the next day.

Contempt of Courts Bill.

On the 27TH AUGUST the most remarkable feature of the proceedings of the Assembly was the support accorded to Government in the division lobby by Swarajists after several members of the party had delivered violent and impassioned speeches against a motion of the Home Member. After interpellations, Sir Alexander MUDDIMAN introduced several Bills of comparatively minor importance without any difficulty. These were the Criminal Procedure Code Amendment Bill, the Legal Practitioners' Act Amendment and the Gurdwaras Act Supplement Bills. When he moved that the Bill relating to the punishment of contempt of courts be referred to a Select Committee the atmosphere of the Chamber underwent a change. The Bill, Sir Alexander explained, proposed to define and amend the law in regard to contempt. It

resolved any doubt that might exist as to the powers of the High Courts in regard to the protection of their subordinate courts and showed that the courts of the Judicial Commissioners had the like power of punishing contempts committed against them, or the courts below them. Further, it restricted the punishment which the courts might award for contempt to six months' imprisonment with a fine. The Home Member emphasised that, under the Bill, High Courts in India would be ensured only the same powers in this matter as were enjoyed by High Courts in England. Mr. Rangaswami IYENGAR attacked the Bill root and branch. It was objectionable. It legislated on a matter that was obsolete, it was repugnant to all. The Assembly should throw it out. The liberties of the people were in peril; if the Bill is passed then the right of Indians in freedom would be gone. Mr. ASHWORTH contended that the Bill was necessary to put an end to abuses that were too frequent. These abuses would increase as the jury system was extended, and it was absurd to say a juror would not be influenced by what he read in the newspaper. So far from being obsolete the law relating to contempt was in active operation in England, and he cited a recent notorious case where the conductors of two papers were fined in very large amounts. Mr. CHETTY and Mr. KELKAR, editor of the "Maharatta," strongly opposed the motion. Sir Henry STANYON protested weightily that it was the public duty to maintain the authority of the courts in every reasonable way. There was no doubt, he declared, that if the Bill were passed the High Courts would exercise their powers under it with a full sense of responsibility. Mr. ABHYANKAR shouted, "Let us have courts first before we talk about contempt of them." The judicial officers in India were under the control of Government and here was another attempt of the bureaucracy to curtail the liberties of the people. Sir Sivaswamy AIYER, while not supporting the details of the Bill, considered it should be sent to a committee for examination. Sir Chimanlal SETALVAD asserted that the measure was badly drafted and thought that it would have been sufficient if it had merely given power to the High Courts to deal with contempt against subordinate courts and provided that the Judicial Commissioners should have the same authority.

Pandit Motilal NEHRU, the Swarajist leader, however, struck a different note. He agreed in the main with Sir Chimanlal and intimated that if the Government were prepared to modify the Bill on the lines suggested, and to withdraw the clause which defined contempt, he would be willing to urge the Assembly to agree to refer the measure to a Select Committee.

Sir Alexander MUDDIMAN at once welcomed this attitude. He had explained that he was merely desirous of carrying out the principles embodied in the Bill, and he had no wish whatever to define contempt of court. But he pointed out that if he had put forward a Bill without a definition there would have been great criticism in the Assembly of the vagueness of his proposal. Sir Alexander gravely reproved the members who had been prominent in casting aspersions on the magistracy. They had, he said, done a grave injustice to a large body of their fellow-countrymen who were performing their duties honestly and justly.

On a division being called the Home Member's motion was carried amid applause by 82 votes to 8.

After the Contempt of Courts Bill had been referred to a Select Committee the House took up Mr. Joshi's Maternity Benefits Bill, the discussion of which did not conclude the day before.

The motion to refer Mr. Joshi's Bill to a Select Committee was put to the vote and lost by 51 votes to 47.

Sir Hari Singh GOUR then moved that the Bill to amend the Special Marriage Act, 1872, be referred to a Select Committee. The object of the Bill, he explained, was to remove the anomaly in the existing law which prevented marriages taking place between the ages of 18 and 21. The motion was lost without a division.

Sir Hari Singh's next motion that his Bill to declare the rights of Hindus to make settlements of property by way of trust in favour of their families, children and descendants be circulated for opinion, was also lost.

On the 31ST AUGUST the Assembly disposed of official legislative business, which included motions for the introduction of Bills amending the Opium Act and the Provident Fund Act and the second and final reading of three Bills introduced on the 25th August, namely the Naturalization Bill the Limitation Bill and amending Section 60 of the Civil Procedure Code.

The House also passed the Home Member's Bill amending Section 60 of Civil Procedure giving certain concessions to co-operative societies.

Mr. Tonkinson introduced a Bill amending the Provident Fund Act to make some formal changes necessary to administrative convenience.

Sir Basil Blackett introduced a Bill centralizing the control of the cultivation of the poppy and the manufacture of opium in the Government of India. The Department is at present administered through the agency of the Local Governments.

The Naturalisation Bill.

Sir Alexander then moved for consideration of the Naturalization Bill.

Mr. Doraiswamy IYENGAR moved that the Bill be sent to Select Committee for examination. He held that it should be so amended as to prevent a certificate of naturalization from being granted to South Africans and others who were not treating Indians justly.

Mr. ANEY took strong exception to the Bill and supported the motion for a Select Committee. He said the Bill depended upon the definition of "British subject" as given in the British Act. This definition was extremely difficult to understand. On the one hand it differentiated Indians from other British subjects and on the other, under it Indians in Indian States were not British subjects. Though the present Bill excluded American and Europeans, it did not really affect them, as they, if naturalised under the British Act, could also be naturalised in India. Moreover, the Bill did not even afford special favoured treatment to Indians in Indian States.

Mr. Ramechandra RAO drew pointed attention to a ruling of an American Court which had deprived Indians in California of their naturalisation rights. Any American or European who obtained a naturalisation certificate in England was automatically naturalised in India. The position must be safeguarded by an Act passed in India, subjecting Americans to the same difficulties as Indians were subjected to in America. He doubted, however, whether a Select Committee could find a solution.

Sir Alexander MUDDIMAN felt that when he brought forward the Bill he never knew it would raise a storm of this kind. Section 26 of the

British Act authorised this Legislature to enact a law on the subject. It was in exercise of that power that this Bill excluded Americans and Europeans, thereby meeting the point of view of Mr. Rao. He admitted that under the British Act Americans and Europeans could obtain naturalisation certificates. The issue raised by other speakers was different from the purpose of his Bill. It was brought forward merely to give a limited form of naturalisation to traders and a few other people who could not be naturalised under the British Act, because they did not know the English language or other language recognised on an equal footing. As to whether an American should be naturalised or not was a different matter and this Legislature had no power to modify an Act of Parliament.

The Bill had been under discussion since 1923. The Local Governments had been consulted and there had been correspondence with the Home Government on some aspects of the case. It was no use sending the Bill again to Select Committee as it had already been to Select Committee. He made it clear that he did not attach very great importance to the Bill. There was the existing law in force: only it was somewhat out of date, and the present Bill proposed some administrative improvement and to extend the limited form of naturalisation to some traders. He opposed its reference to Select Committee as the amendments proposed by the members could not be made in this Bill.

The Assembly then divided and referred the Bill to Select Committee by 59 votes to 42 votes.

Mr. Tonkinson then asked the House to take into consideration the Indian Limitation Act (Amendment) Bill.

Mr. Rama Iyengar and Mr. Rangachariar referred to a doubt which one of the clauses of the bill was open to. Consequently, on the motion of Mr. Rangachariar, the Bill was referred to a Select Committee.

After some discussion the Bill amending the Religious Endowments Act, on the lines of the Ranken Committee's suggestion was passed without any amendment.

On the 1ST SEPTEMBER the Assembly had innumerable interpellations devoted largely to amenities at remote railway stations, grievances of Government servants, the merits of one State employee and the demerits of another. After this the Home Member without difficulty secured the passage of the Bill which confers certain exemptions on members of the Indian Legislatures during the actual sessions and for fourteen days before and after. Thus, when the Bill becomes law members of these bodies will be exempt from jury service and also from arrest and detention in prison under civil process.

Sikh Gurdwaras Act.

The next measure brought forward by Sir Alexander MUDDIMAN gave rise to an animated discussion. This was the Bill to supplement certain provisions of the Sikh Gurdwaras Act passed with unanimity by the Punjab Legislative Council. The measure was a simple one, its object being merely to validate the provisions of the Punjab Bill in so far as they related to the High Court at Lahore. Mr. Ujagar Singh BEDI congratulated both the Sikhs and Sir Malcolm Hailey on the settlement of the Sikh question. In the course of a long oration Pandit Madan Mohan MALAVIYA called for the release of the Sikh prisoners, whose prison doors are open to them whenever they are prepared to undertake to obey the law accepted

by their co-religionists in the Punjab Council and passed with the warm support of the two other great communities in the Province. No self-respecting Sikh, the Pandit affirmed, could give such an undertaking. He knew the men, and none would purchase his release by accepting these humiliating conditions. Continuing the Pandit extolled the services of the Sikhs to the Empire and quoted in support copious extracts from Sir Michael O'Dwyer. Mr. JINNAH contended that it was not to the interest of Government that they should insist on the conditions which Sir Malcolm Hailey had laid down. Mr. Ranga IYER told the Government that he asked for no favour for the Sikh prisoners; he demanded a right. The HOME MEMBER interposed in the debate, and pointed out that the discussion had strayed from the real issue raised in the Bill. In the speech just delivered Mr. Iyer had charged the Government with lack of imagination. Sir Alexander declared that he could not make any such charge against Mr. Iyer. And as for his remark on melancholy meanness, nothing could be less appropriate when the fine work and statesmanship shown by Sir Malcolm Hailey were remembered. The Home Member reminded the Assembly that when the terms were first announced by the Governor of the Punjab they were welcomed by the Press throughout India as fair and generous. Now, they had become "humiliating." What was there humiliating in saying you would not break the law? Finally, Sir Alexander observed that the appeal that had been made that day was a moving one and the able head of the Punjab Government would no doubt regard it in a sympathetic spirit.

The Bill was then passed amid general cheering.

Care of the Girl Wife

The Assembly next agreed to the Bill to amend the Presidency Towns Insolvency Act and the Bill to amend the Legal Practitioners Act be circulated for the purpose of eliciting opinions in regard to their provisions. The latter Bill was designed to curb the activities of that particularly objectionable type of humanity, the lawyer's tout. Another measure, the Bill to amend the Code of Civil Procedure, was referred to a Select Committee. A Bill of great importance to Indian women and children was then introduced by Sir Alexander MUDDIMAN. This was the measure to amend the Penal Code by raising the age of consent from 12 to 13 in the case of a wife and to 14 in the case of a girl outside the marital relationship. The Home Member explained that he was the stepfather of the Bill; the credit for the measure must go to Sir Hari Singh Gour. The natural impulse of every Englishman, Sir Alexander affirmed, was towards progress, but as Home Member he must hold the balance, and the Bill went as far as was justified by the opinions of the Local Governments.

Mr. M. K. ACHARYA objected to penal legislation for social reform and denounced the authors of the Bill as busy bodies. Mr. CHETTY accused the Government of being slow in social reform. If the state of the law of a country, he said bitterly, was the index to a country's civilisation, then the position of the law in this matter was slur upon the civilisation of India.

After a long debate Sir Hari Singh GOUR, whose interest in the subject was intense, moved that the age be raised to 15 and strongly characterised a state of affairs which caused misery and death to helpless Indian women and children. But his amendment was rejected by 63 votes to 42.

Mr Rama AIYANGAR while moving a reduction of the age to 12, asked the Government seriously to consider what they were doing. Let members make an election cry of this and the electors would see that they were selling the rights and privileges of the people of this country. They were wrecking the structure of Hindu society.

The amendment proposing to reduce the age to 12 was rejected without a division and ultimately the debate was adjourned.

Transfer of Sylhet and Cachar.

On the 2ND SEPTEMBER, after interpellations, Mr. ANEY proposed to recommend that early steps should be taken to re-transfer Sylhet and Cachar to Bengal.

The HOME MEMBER said that the Government of India were still in correspondence with the Local Government on the subject and therefore Sir Alexander Muddiman suggested it would be more convenient to have the discussion next session. This suggestion was adopted.

Prohibition for India.

Mr. Mahomed YAKUB resumed the debate on the motion in favour of legislation embodying a policy of Prohibition for India. He zealously supported the proposal quoting both Scripture and the example of the United States of America. The hon. member contended that poverty and misery, which called for redress, were caused in India by the use of alcoholic liquor.

Dr. S. K. DATTA moved an amendment recommending the inclusion of drugs in a policy of Prohibition, but the reference to drugs was ruled out of order on technical grounds. Dr. Datta, accordingly, amended his amendment, which now was confined to liquors and proposed that pending the acceptance of Prohibition the sale of alcohol should be controlled by popularly elected bodies. The arguments for and against Prohibition have been worn threadbare in recent years, and the hon. member followed on the familiar lines. The extent of the drink evil in India, he urged, was shown by the increase in the revenue from drugs and drink which now amounted to nearly Rs. 20 crores a year. Imports of spirits, the most dangerous form of alcohol, were also increasing. The results of Prohibition in America were also cited, the hon. member affirming that since the policy was introduced insanity and other evils had diminished.

Sir Basil BLACKETT said that the Government of India had no desire to shirk their responsibility in this matter. Their policy was and had been to secure the maximum of revenue with the minimum of consumption, and he proceeded to show that it had been attended with results that ought to meet the approval of temperance advocates. In 40 years the consumption of country spirit had been exactly halved and to-day it amounted annually to 2'6 gallons per head of the population. Contrast this with Ceylon where the figures were 15'3 gallons per head, with England and Wales where they were 30 gallons and Scotland where they were as high as 58 gallons. Again, Sir Basil showed that there had been a very large decrease in the clearances of imported liquor since the pre-War year and he maintained that the statistics proved that the policy adopted by Government had been distinctly effective in securing a very remarkable diminution in the total quantity of liquor consumed in India.

It was true that the yield of duty, both in Customs and Excise, had shown a large increase, but that was due to the policy he had described. Here, there was a complete answer to the charge that Government, for purposes of its own, had encouraged consumption. A policy of Prohibition in the present circumstances of India was unthinkable and if the Assembly committed itself to such a policy it would commit itself to the impracticable.

The Finance Member next gave a brief account of his investigations of ancient Hindu law on the subject of liquor. It was true that the Code of Manu did prohibit its consumption by Brahmans and provided for an offender the punishment of suicide by drinking molten lead. But, generally, although virtue was to be obtained by abstinence, liquor was not prohibited. As for the United States, he said that Prohibition had led in America to widespread disrespect for the law, to corruption among officials, to manslaughter and to demoralisation of the citizens. He appealed therefore to the Assembly not to commit themselves to such a policy, even as an ultimate policy, but to allow the debate to be taken as a declaration that they desired the Government to pursue a policy of temperance. But appeals were of no avail, and in the end the Assembly, by 69 votes to 39 adopted an amendment moved by Mr. KELKAR recommending total Prohibition as the ultimate policy to be adopted by the Government, and as a first step the inauguration of a policy of a system of local option by which popularly elected bodies should control the number and location of liquor shops.

Recruitment to the I. M. S.

Dr. LOHOKARE moved that immediate steps be taken to arrange that all further recruitment to the Indian Medical Service, Indian Army medical cadre, shall henceforth be only by an open competitive examination held simultaneously in England and in India from the year 1926.

Dr. Lohokare said that though the Government had decided to retain the Indian Medical Service they had not announced their conclusions on other important details which the Lee Commission had recommended, and the Government of India had accepted the proposal to provide adequate European medical attendance to European officers. This had meant that Europeans were to be recruited, not because they were the most competent doctors, but because they were Europeans. A serious effect of the decision was that a large majority of civil posts reserved for I. M. S. officers would be filled by Europeans and there would be fewer and fewer Indian I. M. S. officers in civil employ. He would not mind if Government recruited a separate European service for European officers, but he insisted that medical officers recruited for the Army must be selected not on a racial basis but on the mere test of efficiency. Indians distrusted the Government's policy because on a flimsy pretext it gave up in 1914 recruitment to the Indian Medical Service by competitive examination and had not yet reverted to it. His experience of the selection method was that it shut the door against the best medical talent of the country. They based their recruitment on back door influences. How then could they get the best doctors for the Army? An open competitive examination was the only way to secure the best recruits.

Dr. Lohokare was supported by Sir Sivaswamy IYER and others who held that the proposal was modest and reasonable and did not raise the controversial issue of the organization of the Medical Services.

Dr. DATTA accused the Government of the intention to keep Indians out of the service and was of opinion that the British Medical Association stood in India's way.

Colonel NEEDHAM said there was no particular reason to object in principle to the reintroduction of competition. Recruitment by competition was merely held in abeyance till they reached settled conditions. They must sympathise with the Service during the last 15 years. Statesmen, doctors and soldiers had sat on several Commissions on the Service, but no particular result had yet ensued till, a month ago, the very existence of the I. M. S. was in doubt. Under those circumstances it would have been impossible to have the ordinary system of recruitment. Nomination in the past was exercised with the greatest possible care, and reversion to competition was wisely postponed till the conditions of the I. M. S. were settled. The greatest stimulus to recruitment that could be given would be the settlement of the organization. He, as an I. M. S. officer, would welcome such a decision, because at present they did not know where they stood. The second part of the resolution related to a simultaneous examination, and introduced a new feature. There were insuperable practical difficulties in the way of a simultaneous examination. For instance, supposing the same paper was set in the two countries, they could not ensure the same standard in the marking of papers. The difference of a few marks would mean a great deal for the success or failure of a candidate. He was of opinion that the best policy would be to hold the examination in one place. (Mr. Sham Lal Nehru : Then hold it in India). All he stood for was that entrance to the Service must be by one door, and Indian officer of the I. M. S. were with him in that view. A separate examination in India might give rise to the feeling, however unjust, that the European *candidate* had better qualifications, and that would impair the "*esprit de corps*" of the service, which had been so well maintained in the past and which he hoped would continue in the future. He could not support the proposal in the resolution that simultaneous examinations be started with effect from 1926. He believed that Indian officers should have training in England which would be of great benefit to him. The resolution was carried by 55 votes to 42.

The Age of Consent Bill.

On the 3RD SEPTEMBER the Assembly resumed the discussion of the clauses of the Age of Consent Bill.

Dr. DATTA moved that the age of consent for married girls be raised to 14 years instead of 13 as provided by the Bill. He said his amendment was for educating the community. He referred to the unhealthy growth of children in Calcutta, and the decision of Calcutta University to have compulsory military training for students. He feared compulsory military training would make no difference to a nation of units. The low age of marriage was responsible, and the real remedy was to raise the age of consent. He would not, however, press his amendment if the Home Member would undertake to make a thorough enquiry.

The Home Member said that he would, by executive reference, consult Local Governments and administrations on Sir Hari Singh Gour's proposals to raise the age to 16 in the case of non-marital relations.

Dr. Datta's amendment was withdrawn.

Sir Hari Singh GOUR then moved his amendment, and as he was

speaking the Home Member, interrupting, warned him that if he moved his amendment he (the Home Member) would withdraw his previous offer of circulating to Local Governments. Sir Hari Singh then withdrew his motion.

Mr. Doraiswami IYENGAR moved that the punishment of a husband should be only by fine and not by imprisonment, because the latter would cause domestic ruination. The House rejected the amendment by 64 votes to 29.

Mr. ACHARIAR pleaded that the punishment in the case of a husband be only six months' imprisonment or fine. This also was rejected by the House by 59 votes to 37.

All clauses having been passed the Home Member moved that the Bill be passed.

Mr. Rangachariar said that he did not take the orthodox view. The fact however was that though public opinion was advanced there were still communities which believed in early marriages and their early consummation. He therefore warned the Government that such communities should not be harassed as a result of the administration of this law. Personally he accepted the Bill and thought it was a wise step which the Assembly would not regret.

Mr. Rama Iyengar again appealed to the House to exclude husbands from the provisions of the Bill. Mr. Kelkar suggested that the right solution would be to make the age of consent and the age of marriage identical. Mr. Belvi and Mr. Amarnath opposed the Bill. Mr. Belvi warned the Government that the Bill would one day lead to a breach of the peace and bloodshed. Sir Alexander Muddiman made it perfectly clear that the Government took seriously the views of those members who had opposed the Bill. The Government, however, believed that it was carrying with the Bill the advanced section of the orthodox community.

The Bill was passed on a division by 84 votes to 11.

Coal-Grading Bill.

Sir Charles INNES moved for consideration of the Select Committee's report on the Coal Grading Bill, which he said had been improved by the Select Committee.

Sir Willoughby CAREY asked the Assembly to pass the Bill as soon as possible. He emphasized that a prosperous coal export trade would make a prosperous coal trade, and a prosperous coal trade meant prosperous industry in the country. He assured those who feared that the export of coal might eventually bring about a shortage of coal for internal consumption, that the existing mines could supply coal for hundreds and hundreds of years and there were a great many mines which were not yet sampled or even discovered. He referred to the difficulties, grievances of the coal trade in the past and hoped the present Bill would give encouragement to export, while there was a possibility of reopening the mines which had been closed and there would be scope for new fields. As the railways were going in for new fields the need for finding overseas markets was all the more necessary.

Mr. Jannadas MEHTA explained that the joint minute by him and by Mr. Abhyankar was only explanatory. They wanted to show that they did not fully accept the Noyce Committee's report but found that the Bill as a whole was acceptable to them though he would have liked some improvement in one or two matters.

Sir Charles INNES gave the assurance that as soon as possible the question of protection to the coal trade would be referred to the Tariff Board and that the questions relating to long distance freight on coal for internal consumption and railway collieries were under consideration.

Sir Purnahotmdas asked the Government to take a lesson from the case of the coal trade and not delay action till the industry was on its last legs.

The Bill was passed unanimously.

The Bill regarding the CARRIAGE OF GOODS BY SEA was then passed and also the Bills amending the PROVIDENT FUND ACT and the OPIUM ACT.

On the motion of Mr. Chartres the House referred to a strong and representative Select Committee the LEGISLATIVE BODIES CORRUPT PRACTICES Bill, after Pandit Motilal Nehru had declared and the Home Member had agreed that by so doing the House was committing itself only to the desirability of penalising corruption in legislative bodies and not to the procedure or definitions proposed in the Bill.

Mr. Ramachandra Rao opposed the motion and wanted circulation of the Bill. Sir Alexander gave the assurance that he would circulate it and ascertain the opinions of the Local Governments. The Select Committee would not be asked to sit the next session in Delhi.

Debate on the Reform: Committee's Report.

SIMLA—7TH SEPTEMBER 1925

There was an extraordinary rush of visitors when the Legislative Assembly met on the 7TH SEPTEMBER to discuss the Muddiman Committee's Report. The attendance of Members, on the other hand, did not show any marked increase.

Sir Alexander MUDDIMAN was cheered by all sides of the House when he rose to move the Assembly to recommend to the Governor-General-in-Council that he do accept the principle underlying the Majority Report of the Reforms Enquiry Committee and that he do give early consideration to the detailed recommendations therein contained for improvement in the machinery of Government. He said he had brought forward the resolution to fulfil a pledge of Government.

The Home Member mentioned the names of the members of the Committee to show that it was well constituted. He next refreshed the memory of the members by reading the terms of reference, which he said, on the one hand, made the enquiry into the defects inherent in the Act unlimited, but which, on the other hand, were an offer distinctly limited in scope since the Committee's remedies were to be such as not to affect the structure of the Act. He declared: "I mention this because the Committee has been much attacked for not doing what it was not authorised to do." As regards constitutional enquiries these were generally of the nature of a *post-mortem* examination, because the actors were no longer present, but in the case of his committee it was different. They examined men who had held offices or who were in office under the Reforms. He publicly acknowledged the assistance rendered to the Committee by the witnesses. Unfortunately the Committee presented two reports.

Sir A. Muddiman continued "I am moving the House to accept the Majority Report. (Cries of "No, no.") The Home Member:—I said I was only moving (laughter) that the House should accept the Minority Report. (There was considerable applause because Sir Alexander Muddiman by a slip of the tongue mentioned the word, "Minority" instead of "Majority"). Resuming he said the Majority Report had made numerous recommendations of varying degrees of importance. The Government of India could not accept all the recommendations, but accepted the principal ones. He stated: "I would tell the House that these are valuable suggestions, which all practical men should seriously consider. (Voices: "No, no.") The machinery of the Government of India Act is not simple: it is complicated. If I can leave this country with the satisfaction of knowing that I have, in however small a degree, facilitated the working of the Act I shall be satisfied that I have done something."

Turning to the Minority Report, he said the pith of the report was at the end. He read out the last paragraph and emphasised that so far as practical politics was concerned the Minority wanted a Royal Commission to be appointed at once and emphasised that it wanted automatic provisions for advance. In this respect, the Home Member said, he could not do better than refer the House to the words of the Viceroy when he referred to the Minority Report and as a friend of India opined that the issue was only one of time and that if the Commission were appointed immediately it would only result in disappointment. The words from a Viceroy who had been in India for the years should naturally command attention. How much more so, when Lord Reading had just returned after an intimate touch with political world in England? Sir A. Muddiman declared: "No wiser judge of political affairs and political potentialities, I venture to think, exists in the British Empire and when, after his recent contact with the political life at Home, His Excellency gives you this advice I think the House would do well to ponder over it, not once, but many times."

Referring to the question of the appointment of a Royal Commission, the Home Member read from the Preamble of the Act and emphasised that it did not envisage automatic progress, as urged by the Minority, but laid down the lines for gradual progress. In the words of the Secretary of State, he assured the House that the British were not slaves of dates. But the door of acceleration was not open to menace. Still less would it be stormed by violence. The position therefore was that, while there must be a Statutory Commission in 1929, there might be a Royal Commission earlier. The Minority recognised that before any change took place there must be a Statutory Commission in 1929, there might be a Royal Commission earlier. The Minority recognised that before any change took place there must be a wider enquiry by a Royal Commission. He asked the House to keep in view Sub-Section 2 of Section 84 A. It laid down that the Commission should examine the working of the system of Government, the growth of education and the development of representative institutions in recommending an expansion or restriction of the present system. Sir Alexander said: "We, the Government on the one hand, and you, the non-officials, on the other hand, will be asked to show how we have worked these institutions. We will have to render an account of the stewardship in respect of the opportunities placed in our charge. Let us consider as practical men what impression will be made if that enquiry were to be held immediately." They were still in the life of the second Assembly, while the Council of State had not yet finished its first period. Then again they had only just passed a constitutional landmark, as a result of which the President of the House had been elected. (Applause.) He did not wish to rake up old discords; but the fact remained that the first legislature lacked the element which was now present.

The Home Member continued: "What opinion will the Commission form on facts and events such as these? Will it be favourable, will it be unfavourable or will it say it can form no opinion? Appeals to Caesar are sometimes dangerous. Only those whose hearts are very clear can stand before the judgment seat with confidence. At the most only four short years remain before that Assize must be assembled." The Home Member felt that greatly unnecessary importance had been attached to the date on which the Commission would be appointed. He declared: "What is really important to my mind is what evidence you will place before it whenever it is appointed, what answer you will give."

Mr. Jinnah: A very good answer.

The Home Member: I am glad to hear my friend say so.

Contingent the Home Member said he remembered, that some years ago, when in a country garden in the west of England, he saw a sun dial wherein were written the words "*Parvus Et Impudens*" These meant that the hours fly away, but the record remains: "Nearly six years have passed," Sir Alexander stated, "and our proceedings have been written down. Do we wish the next years to pass in the same way? Are we to remain estranged in our attempt to deal with this problem—a problem, the greatest, which had ever presented itself to the human race? You are building not a constitution for a nation, but for a continent. Can we afford to stand aside? Can we afford to remain as I sometimes feel that we are remaining, on the one hand, a party trying to storm a fortress and on the other hand, persons defending that fortress as if our lives depended upon it. Sir, this is not the way in which constitutional progress and constitutional reform can be effected. (Mr. Ranga Iyer: What is the way?) His Excellency the Viceroy has made an eloquent appeal for co-operation. Now, co-operation is not a mere phrase. Co-operation is a course of deliberate conduct."

Mr. Shanmukham Chetty: On whose part?

Sir A. Muddiman : On the part of all us.

Mr. G. P. Singh : It must be mutual.

Sir A. Muddiman : As I have said, the Secretary of State in his speech indicated that constitutional progress might be accelerated on one condition, and that, I will read to the House. He says : "There will be, there can be, no reconsideration till we see everywhere among the responsible leaders of Indian thought evidence of a sincere and genuine desire to co-operate with us in making the best of the existing constitution." That Sir, is the theme of the resolution, I put before the House. I can only regret that I do not possess the eloquence of my predecessor to move the House as that eloquence might have moved it. I am pleading, possibly in a rough and uncouth manner, a great thing. I only trust that the theme will not suffer at my hands. (Applause from all sides of the House.)

THE NON-OFFICIAL AMENDMENT

Pandit MOTILAL then rose amidst still louder applause to move his amendment. He moved :—

"This Assembly while confirming and reiterating the demand contained in the resolution passed by it on the 18th February, 1924, recommends to the Governor-General-in-Council that he be pleased to take immediate steps to move His Majesty's Government to make a declaration, in Parliament, of the following fundamental changes in the present constitutional machinery and administration of India :

"(a) The revenues and all property vested in, or arising or accruing from the property or rights vested in His Majesty, under the Government of India Act, 1858, or the present Act, or received by the Secretary of State in Council under any of the said Acts, shall hereinafter vest in the Governor-General-in-Council for the purposes of the Government of India.

"(b) The Governor-General-in-Council shall be responsible to the Indian Legislature and, subject to such responsibility, shall have power to control the expenditure of the revenues of India and make such grants and appropriations of any part of those revenues, or of any other property at present under the control or disposal of the Secretary of State-for-India-in-Council, save and except the following, which shall, for a fixed term of years, remain under the control of the Secretary of State for India : (1) expenditure of the Military Services up to a fixed limit ; (2) expenditure classed as political and foreign ; (3) payments of all debts and liabilities hitherto lawfully contracted and incurred by the Secretary of State-for-India-in-Council on account of the Government of India.

"(c) The Council for the Secretary of State for India shall be abolished, and the position and functions of the Secretary of State for India shall be assimilated to those of the Secretary of State for the Self-Governing Dominions, save as otherwise provided in Clause (b) and

"(d) The Indian Army shall be nationalised within a reasonably short and definite period of time and Indians shall be admitted for Service in all arms of defence and for that purpose the Governor-General and the Commander-in-Chief shall be assisted by a Minister responsible to the Assembly.

"(e) The Central and Provincial Legislatures shall consist entirely of members elected by constituencies formed on as wide a franchise as possible.

"(f) The principle of responsibility to the Legislature shall be introduced in all the branches of administration of the Central Government, subject to transitional reservation and residuary powers in the Governor-General in respect of the control of the military and foreign and political affairs for a fixed term of years, provided that during the said fixed term the proposals of the Governor-General-in-Council for appropriation of any revenues or moneys for military or other expenditure classed as "Defence" shall be submitted to the vote of the Legislature, but that the Governor-General-in-Council shall have power, notwithstanding the vote of the Assembly, to appropriate, up to a fixed maximum, any sum he may consider necessary for such expenditure and in the event of a war to authorise such expenditure as may be considered necessary exceeding the maximum fixed ;

"(g) The present system of Dyarchy in the Provinces shall be abolished and replaced by unitary, autonomous responsible Governments, subject to the general control and residuary powers of the Central Government in inter-provincial and all-India matters :

"(b) The Indian Legislatures shall, after the expiry of a fixed term of years, referred to in clauses (b) and (f), have full powers to make such amendments to the Constitution of India from time to time as may appear to it necessary or desirable ;

"This Assembly further recommends to the Governor-General-in-Council that necessary steps be taken (a) to constitute, in consultation with the Legislative Assembly, a Convention, Round Table Conference or other suitable agency, adequately representative of all-Indian, European and Anglo-Indian interests to frame with due regard to the interests of minorities, a detailed scheme based on the above principles, after making such enquiry as may be necessary in this behalf ; (b) to replace the said scheme for approval before the Legislative Assembly and submit the same to the British Parliament, to be embodied in a Statute."

Pandit Motilal NEHRU, in a long speech, moved his amendment, which, he said, had the support of all the Nationalists and was the result of the most careful and anxious consideration by both the Independents and the Swarajists. The principle underlying the majority report was to give Indians as little as Government could and to make sure, in giving that little, that the power and prestige of the bureaucracy was not in the least jeopardised. He severely criticised Diarchy as the work of speculative constitutionalists. The demand outlined in the amendment was the very minimum which the Nation could ask. Whatever agency was appointed to make a detailed enquiry, in order to incorporate the demand, it must be adequately representative of all interest. Procrastination was the Government of India's policy and indecision was the policy of the British Cabinet. The fundamental principle of a constitution for India must be self-determination. Wise men were not slaves to dates ; yes, But wise men were not slaves to preambles either. If the principle of self-determination was not granted, Indians would not be diverted from the pursuit of what they considered their birth-right.

Indians, stated Pandit Motilal, were absolutely fit for Self-Government, as fit as the Britisher were in their country. Lord Birkenhead asked for co-operation, as the first condition to any progress. The Pandit asked for a change of heart on the part of the Government. Unless there was a change of heart and Swaraj, in the fullest sense, was guaranteed, there could be no real co-operation.

Concluding, Pandit Motilal Nehru quoted the late Mr. C. R. Das's Faridpur speech offering conditional co-operation and said that the present system of Government could not continue except by use of force.

Colonel CRAWFORD made a soldier like-speech. He believed that the ryots cared little for the nature of the Constitution. He was glad the Secretary of State had maintained the constitutional practice of consulting the House before any final decision was taken. No one expected much from the Reforms Enquiry Report, for there was no short cut to the paradise of Self-Government. He had been disappointed at the failure of the Swaraj Party to take part in the enquiry. They were constantly proclaiming India's right to self-determination as a reward for her services in the War. Many were striving genuinely to help India on the road to political progress ; but the Swarajist attitude was unsportsmanlike and unlikely to appeal to the British nation. He congratulated the members of the Committee who had signed the Minority Report ; but had the report been less partisan, it would have appealed with greater force. He could not agree that Dyarchy had failed, though the system was not popular. He admitted that the existing constitution was unpopular, but before any Commission could be appointed it was necessary to create an atmosphere of general goodwill and exercise the demon of distrust and obtain some substantial measure of agreement among all classes. The road to Swaraj was big and difficult. Their aim should be a representative, rather than a democratic form of Government. India was not a nation and a Federation of the Peoples of India was wanted. Religious, communal, national and caste differences were a portion of the problem the world always be present. Only by being good communalists could they make good nationalists. He wished to strongly support greater representation for the Depressed Classes and for Labour ; but he hoped that other representatives than lawyers would be found for them. His friends, Messrs. Joshi and Chamanlal, he felt, were often wrong in their facts and governed by western Socialist ideas.

Sir P. S. SIVASWAMY IYER said there was confusion as to which was the Majority and which was the Minority Report. But for official convention Sir Muhammad Shah would have signed the Majority Report (here there was good laughter, because Sir P. S. Sivaswamy Iyer like Sir Alexander Muddiman, suffer from a slip of the tongue) and the Minority Report would really have been the Majority Report. As a member of the

Minority felt that though they had no objection to the Majority proposals generally, they felt they were inadequate and unsatisfactory and that Dyarchy could not be cured by the minor changes recommended. Officials who felt shy of Dyarchy before blamed it now because they could not go back upon the 'status quo' and could only go forward, which they did not want to. Lord Birkenhead's speech had been aptly described by "The Morning Post" as a rigidly, pompous oration. (Laughter.) Lord Buxton had told them that the verdict of a Royal Commission at present would go against them. The speaker, however thought that, if the Commission examined from the point of view, not of absence of co-operation, but as to why co-operation was not received, it would not go against them. Those who unwisely non-co-operated thought that the Government had not fulfilled its promise, but the present House showed that they had come back to co-operate. Indeed the fact that an ex-Non-Co-operator was occupying the Chair of the House was proof of their desire to co-operate. (Mr. A. Rangaaswamy Iyengar : Honourable co-operation) and to utilise opportunities to do constructive work (Applause). Opportunities for responsibility made people sober and wise. (Mr. Jinnah : Hear, hear.) Could the Government say that Indians had not shown a sense of responsibility. (Hear, hear.) One other difficulty was that they were not convinced of the sincerity of the professions of the Government. (Hear, hear.) They believed that the Government did not, in its heart of hearts, mean to grant them Self-Government. (Hear, hear.) If the suspicion of the people could be removed he was confident their attitude would change. The suspicion was not without reason. The attitude of the Government towards the Indianisation of the Army was one illustration. Although a resolution, with the concurrence of the Government, was passed 4 years ago, asking for the Indianisation of the army, Lord Birkenhead had told them in effect that they must wait for 25 years and prove the success of the Reforms before asking for more. Thus they would have to wait till the Greek Calends before the Army was Indianised. Therefore distrust in the Government's intention was to a large extent justified. The theories of guardianship, mandate and trust did not deceive the people.

The speaker had never believed in indiscriminate opposition ; but he felt that unless the Government changed its attitude deadlocks might continue and distrust and suspicion on both sides would increase. He was glad to find that Pandit Motilal's amendment contained substantially the Liberal Party's resolutions and that the Swaraj Party had given up their barren path and had come to the path of construction. (Applause from the Independent.) As regards the drawing up of a Constitution they did not want to waste time if the Government was not prepared to consider it : but if the Government would, they would prepare it.

Mr. Shanmukham CHETTY said that the chief value of the Reforms Enquiry Committee was in that it showed the failure of the present Constitution. The aim of the Government of India Act was to train Indians in the craft of Self-Government. The present divided responsibility in the provinces was not only unworkable, but unheard of in history. The basic factor in diarchy was joint deliberation between the two halves of the Government. Not only had that failed, but there was also no joint responsibility between the Ministers. Faith, not reason, was the foundations of all Governments and the people had no faith in Diarchy.

Referring to the Majority Report, the speaker said that its signatories had failed to do justice to their task. They had not the moral courage to scrap Diarchy. Mr. Shanmukham Chetty quoted from Mr. Chintamani's presidential address at the last Bombay Liberal Conference, where, he said that the interests of India would have been better served if no Reforms Enquiry Committee had been appointed. Mr. Shanmukham Chetty concluded by saying that Lord Birkenhead wanted co-operation, but co-operation could be mutual only if the Government showed a change of heart.

Mr. Ranga IYER supporting Pandit Motilal's amendment, said that the unsolved communal problem was thrown in their face, as against their demand for Self-Government. Communal differences could not be settled unless they had control over the administration. The English Government was responsible for the communal differences in India, by their policy of divide and rule. They had been stimulating such differences. The history of Canada and South Africa showed that there were very acute differences of race and creed in those countries and yet England had granted them Self-Government. Those were countries without traditions and civilisations, while India had an older civilisation than England and yet the right to rule was being denied to them. He further warned that the refusal to grant them their prayer would end in a tremendous agitation and the Government should be prepared for the consequences. He concluded : "We want to be free, but we do not want to break away from you yet, and that is why we have presented you with our amendment to-day."

Dewan Bahadur T. RANGACHARIAR, supporting the amendment, hoped that his speech would not be a waste of words as his previous speeches had been. He had no doubt that the Assembly would reject the proposal of the Government. Reforms were introduced to train Indians in the art of Self-Government and not merely to appoint A, B or C as Ministers. Had the Reforms trained Indians in that art? That was the test which they should have to face as statesmen. Were the Government satisfied that the recommendations of the Majority Report would satisfy that test? He was not familiar with Dyarchy and therefore confined himself to the Central Government, which, by his co-operation, he tried to work.

Mr. Goswami : You have wasted your energy.

Mr. Rangachariar said that his views on the working of the Central Government had been fully conveyed by Sir Alfred Mond in the House of Commons. They had an elected majority in the Assembly, but there was an irresponsible Executive, which was supposed to be responsible only to some people abroad. That was hardly a satisfactory state of affairs. It was thought that the Muddiman Committee would have something to suggest on the matter. The Majority Report merely suggested stagnation and the principle of stagnation was asked to be accepted by the Assembly. Despite the Government's denials, they (the Government) were slaves to dates and to preambles. Mr. Rangachariar asked : "If the Government is not going to change the principle then why this farce of discussion and why this talk of fellowship, comradeship and friendship?"

Mr. Jinnah : To work the gas and boiler. (Laughter and applause.)

Mr. Rangachariar : If that be so, let us part company (Loud applause) and let the Government take note of the significance of the support given to this amendment by Pandit Motilal, at one end of the pole, and by my friend Sir P. S. Sivaswamy Iyer, who's at the other end of the pole. (Laughter and applause.) I ask the Government in all seriousness to consider it carefully. You talk of difficulties; but have they not got over the difficulties in Australia, in Canada and other countries? There is perfect unanimity in India on this constitutional question. All classes, all communities, and all sects, and sub-sects are united in demanding a change in the Constitution. It is a great sign of the times that Pandit Motilal and his Swarajist friends have joined us in formulating some of the fundamental principles with regard to the Indian Constitution, as mentioned in the amendment.

Mr. Abhyankar : Now will you join us in the man?

Mr. Rangachariar : That is another question. We shall discuss it later. As I said before, there is the hand of fellowship given to the Government and I hope the Government will take it, so that the best brains of the country, both inside the legislatures and outside, may be devoted to useful purposes for advancing the interests of India.

Sir Charles INNES, in opposing the amendment of Pandit Motilal, said he was disappointed that it had been moved especially after the speeches made by the Secretary of State and Lord Reading. Those speeches had clearly showed that the present Constitution, whatever might be its defects, must be worked in order to achieve the end; but the amendment of Pandit Motilal was couched in the old familiar lines and Sir P. S. Sivaswamy Iyer to support it. It was easy to foresee the lines the debate would take and the result; but he would not waste the time of the House by referring to the details of the amendment. It was clear that the objective of all was Responsible Government for India within the Empire. The only difference was as regards the manner. Pandit Motilal has told them that he had offered the hand of fellowship.

Pandit Motilal :—What I said was that any scheme, which is devised by us all sitting in one conference, will be the scheme in which not a single comma or full-stop can be changed. We will all be parties to it.

Sir Charles INNES :—Then I gather that the Pandit does not change in the slightest respect the opinions which he expressed in February 1924. Then I can only express surprise at Mr. Rangachariar having congratulated himself for having thought he had roped in the Swarajists. On the other hand Pandit Nehru has mildly, but firmly brought Mr. Rangachariar and Sir P. S. Sivaswamy Iyer into the Swarajist parlour (Laughter).

Mr. Rangaswamy Iyengar :—We were all together last year.

Sir Charles INNES :—I think that the Pandit's interpretation has clarified the position. This amendment is intended to repudiate the Preamble of the Government of India Act. The responsibility for the manner and the time of each advance rests on the British Parliament, who are responsible for the welfare and advancement of the Indian people. The amendment is definitely a challenge to the British Cabinet. (Several voices :—That is right). If so then the Government must unhesitatingly oppose the amendment. That is not a position which we on the Treasury Benches can accept.

Mr. Rangaswamy Iyengar:—Because you are bound hand and foot to the British Parliament.

Sir Charles Innes:—I hope this Assembly will realise that if this amendment is passed you will be committing a grave mistake (laughter). Co-operation has been offered to you by His Majesty's Government and this amendment rejects that offer with contumely. That, I say, is a very grave mistake to make. We cannot allow the claim of the British Parliament to judge the measure and the time of each constitutional advance to diminish. They are responsible not for the intelligentsia, nor for any section of the people, but for all the peoples of India. They have a claim which they cannot give up.

Mr. Rangachariar:—Could we not ask the Parliament to give it up?

Sir Charles Innes:—You cannot; I tell you why. Over a hundred years ago almost by accident the British Government assumed responsibilities for India. A voice:—Yes, by robbing India).

Sir Charles Innes:—In these hundred years and more we gave you what you never got.

A voice:—Emancipation (laughter).

Sir Charles Innes:—We gave you peace and order and good Government. Now if this is gone, then there will be no safety and tranquility.

Sir Charles Innes said that the Government Members were in no special sense wedded to Diarchy, but Diarchy was a step on the road to Self-Government. India was now in a transitional stage. Sir Charles Innes was prepared to admit that Diarchy was unworkable; but he would not go into a debate on the point. Incomplete self-government was always unsatisfactory, but where they had not got full Responsible Self-Government? Diarchy, as a transitional experiment, must be preferred. As for the Central Government, Sir Charles Innes thought that the amendment itself proposed diarchy. (A voice: No) He was not prepared to enter into a discussion on that point. He was not anxious to raise the temperature of the debate, but he asked: "Did the House realise that in Canada, which had been quoted as having got Self-Government, there were only 16 millions, while in India there were 350 millions of people? Where is the fundamental unity, which is the basis of all democratic institutions?" That was lacking in India. So long as fundamental unity and unanimity among Indians was wanting, there would be danger in introducing Democratic Self-Government. Let Mr. Rangachariar, who had so eloquently pleaded for a change, examine his own conscience and say whether there was that fundamental unity. Moreover there was the danger of the advance being premature. In view of the fact that the Statutory Commission would come and make enquiries, the Government of India could not offer any other solution at the present time. In any enquiry India should have not only the best brains in India, but the help of His Majesty's Government. Let there be no suspicion and let there be charitableness. As one who had served in India 27 years, Sir Charles Innes said that the progress which India had made during the last four years itself was greater than was expected.

Pandit Motilal asked whether the Government had any proposal counter to the non-official amendment.

Sir Alexander Muddiman: I shall deal later.

Mr. T. C. GOSWAMI said that Sir Mahomed Shafi's explanation had shown that the officials had gone to the Committee with a bias. He recalled the personal history of Lord Birkenhead, especially in relation to Ireland, to enable the House to judge what meaning to attach to the epigram of His Lordship, that wise men were not slaves of dates. (Laughter.) Mr. Goswami considered the amendment as most modest, but he told the non-official members that they had no right to vote for it until they had proclaimed the sanction behind the amendment and until they were prepared to face the consequences, if it was not accepted by the Government. The speaker was surprised at the reasoning of the Liberal leaders, Dr. Sapru and Mr. Chintamani. In one breath they said the Constitution was unworkable and in another breath they urged that it should still be worked. He concluded that not only were the Preamble and the Constitution not acceptable to them as sacred, but even the Empire was not sacred to them. He declared: "If we cannot have Swaraj within the Empire, we shall have it outside the Empire."

Sir Purshotamdas THAKURDAS said Sir Charles Innes had more than made up for the modesty of Sir Alexander Muddiman, but the Commerce Member had only confused the issue and had tried, though unsuccessfully, to draw the red herring across the line by trying to frighten Mr. Rangachariar and Sir Sivaswami Iyer by stating that they were walking into Pandit Motilal's parlour. The Muddiman Committee consisted, with the exception of Mr. Jinnah, of officials and ex-officials and Sir Muhammad Shafi had shown that the minority was really the majority and therein lay the secret of the

Indian support to the Minority Report, wrongly so called. Why was the Government distrusted? There was the case of the Cotton Excise Duty. Despite the great popular agitation, the Government still persisted in not abolishing the duty. Then again the Tariff Board's report on Cement industry had been rejected without reference to the House. Would the Commerce Member have acted like that if he had been responsible to the House? Could the Finance Member have similarly persisted in his currency and financial policy? Then again, could the Home Member have sent Europeans, and not non-official Indians, to represent the country at the League of Nations? After a hundred years of British rule Lord Brienhead had discovered the need for agricultural development. That was because the British did not like India to advance industrially. He assured Lord Reading that, as a representative of Indian trade and commerce, he was not for forcing the Government to hasty action; but the Indian Commercial community were convinced that without a Responsible Government, they could not progress. Indeed progress would only be in the retrograde direction. He would vote with Pandit Motilal with full confidence and conviction (Applause).

Mr. Rangaswami IYENGAR said the present Government was government by a corporation, which zealously guarded the interests of the British shareholders. The position of the Secretary of State was not that of an individual, but that of a corporate body and he was not responsible to the people of India, but the Parliament. One obvious result was that if Parliament wished to use some of the Indian revenues for Imperial purposes, they could do so, so long as the Anglo-Indian corporation lasted. Vested interests would always have preference over Indian interests. That was why they wanted that the Secretary of State's absolute control over Indian Revenues should cease and his Council abolished.

The debate could not be finished and the Assembly adjourned for the next day.

SIMLA — 8TH SEPTEMBER 1925.

Next day, the 8th September, Mr. Mahomed YAKUB, supporting Pandit Motilal's amendment to the Reforms Motion, said that he represented the minority of 75 millions of Mahomedans. The Reforms of 1919 were regarded by Indian Muslims as inadequate and unsatisfactory. A thorough enquiry to overhaul the entire system was needed. Indian Muslims were not opposed to Swaraj, but, on the other hand, they were as anxious as other communities to have Self-Government in India and they were fully aware that the present Act was inadequate to lead them to Swaraj. Their demands were put forward by the All-India Muslim League. He said that Indians could never be fit for Self-Government unless they were made responsible for the administration of the country.

Mr. ABHYANKAR further supported the amendment. He said that they wanted, firstly, the power of the purse. The Governor-General-in Council should be made responsible to the Indian Legislature. Democracy and Bureaucracy could not be wedded together. Farther they wanted the Army in India to be Indianised within the shortest possible time. The Council of the Secretary of State should be immediately abolished. They wanted representative legislatures on the widest possible franchise. The Commerce Member's speech did him great honour, because he had upheld the traditions of his group. He had repeated the old falsehood of the theory of trusteeship. It was no trust. It was a huge fraud, a bombastic fraud. The Commerce Member had told them that man's life and woman's honour were now safe. Was it really so? Were their homes safe? Had not the noblest among them been thrown into jails? Were not hundreds shot like dogs at Jallianwala? He quoted instances of persecution of Catholics in England. Under the Protestant regime no marriage conducted by a Catholic priest was held legal. No Catholic could buy a horse worth more than 25 (Laughter). "This was the condition in your own country when you were enjoying Self-Government," said Mr. Abhyankar, addressing the Treasury Branches. The most moderate of Moderates, men like Sir P. S. Sivaswami Iyer and Mr. Rangachariar, had lost faith in the British sense of justice. The Britishers responded to a sense of justice only when some other sense like the one roused by Ireland made them wide awake. The present system of Government was treason against God's law.

Mr. RAMCHANDRA RAO was surprised that after the universal condemnation of the Majority conclusions in the Indian press, the Home Member had the hardihood to ask the House to adopt his proposal. Both the Majority and the Minority had also held that nothing they could do within the terms of reference would satisfy public opinion. The Home Member had made no reference to the detailed proposals of the Majority

Report, to some of which the speaker was opposed, while others he wanted to discuss. As regards Sir Charles Innes' observation about the lack of fundamental unity, the speaker stated that similar objections had always been brought forward every time a step in advance was taken and despite the argument, progress was sanctioned. He did not therefore see why the same objection should again be brought forward. He held that the whole scheme of the Government of India Act was unsatisfactory because the Indian Revenue was not vested in the Government of India and was not administered by the Government responsible to the Legislature in India. No change, except transference of power from London to Simla, could meet the situation.

Mr. CHAMANLAL felt that the atmosphere was surcharged with unreality. The Treasury Benches pursued a policy of do nothing trusting in brute force, while the people's representatives took their stand on the righteousness of their cause. The Government wanted them to eat the humble pie and accept a one-sided bargain. It was true they had no sanction behind the resolution; but he warned that they would create one. The Swaraj Party had really accepted the Liberal Federation programme, to show that the country stood united. The only difference was that the Swarajists would go to the country and raise a storm to enforce their demands. As regards the theory of trust it had been a trust handed down to them by robbers and thieves. Every pledge had been broken. The British were sentinals of the kind who protected the treasure, only to rob it themselves.

The President twice warned the speaker that he should refrain from constantly addressing the Treasury Benches and ignoring the Chair. (Laughter.)

Sir Basil BLACKETT said that he did not share the pessimism of Sir Alfred Mond or of Mr. Rangachariar. Sir Alfred had become a pessimist after his experience of the Budget debates of the Assembly in 1924. The speaker held that the presence of Mr. Patel in the Chair was the strongest answer to the pessimists.

Mr. J. Mehta: He is there in spite of you.

Sir Basil Blackett held that even the speeches of Mr. Abhyankar and Mr. Chamanlal showed that they had learnt a great deal by co-operation. He personally believed that there had been a great deal of co-operation in the passing of the Steel Protection Act, the separation of Railway finances and the passing of the last budget and that the future historian would agree that the second Assembly co-operated as well as the first Assembly. Mr. Rangaswami Iyengar had spoken a great deal about the need for transference of the control of the purse from London to Simla. He had spoken as if the control was absolute. Mr. Rangaswami Iyengar, who had proved a very valuable colleague on the Public Accounts Committee, must be aware that it was not.

Mr. Rangaswami Iyengar stated that the power of interference existed nevertheless.

Sir Basil held that it had not been exercised. Sir Parshotamdas had supported the resolution because Indian commerce would benefit if the Government was responsible to the Legislature. The speaker held, on the other hand, that no responsible Ministry in India could have yielded entirely to the pressure of the Bombay Merchants' Chamber and Bureau and sacrificed the interest of India as a whole, and that the exchange policy of the responsible Ministry would have been the same as that of the Government of India.

The Finance Member was not able fully to understand the amendment unless it had the virtue of being at the same time Swarajist, Independent and Moderate, and open to three interpretations to suit every party. (Laughter.) It looked incompatible even with the Minority Report. He sincerely felt that, instead of pressing the resolution in the amended form, if the non-officials admitted that what they wanted could not be done all at once and that they were willing to co-operate during the life of the present Assembly and the beginning of the next, instead of entirely rejecting the offer of co-operation from the British Government, they would have materially contributed to the discussion. The amendment of Pandit Motilal showed that its supporters stood for advance on the Western model. Provincial Autonomy was a nice phrase, but the division of the Central from the provincial sphere was very difficult. In one case it had led to a civil war and still the matter was unsolved. They might from now think of these functions, their distribution and the question of financial relations between the Central and Provincial Governments. He appealed to the non-official benches to so change their amendment or so to explain it that it did not mean rejection of the offer of the British Government and their claim to determine the manner and measure of advance. (Applause.)

Mr. JINNAH felt that the debate was not proving fertile. There was gloom and the political horizon was dark. The Government should understand why the people

non-co-operated. There was extraordinary events in the Punjab but these they had been asked to forgive and forget. The Khilafat was no longer an issue before them. The question of Swaraj was the only one that remained unsolved. In 1921 the Assembly was composed of men who came to co-operate despite the risk of odium and obloquy. That Assembly urged that a revision earlier than in 1929 was warranted. The Secretary of State's reply was that progress was possible under the Constitution, that the electorate had not been tested and that the constitutional machinery had to be tested in its working as a whole. To that the Assembly gave an answer in February 1924 by passing a resolution that the time had been to revise the Act. The Government chose to appoint the Muddiman Committee, to see whether substantial progress was possible under the structure of the Act and, if not, the question of revision was to remain a separate issue. The Muddiman Committee had reported. Col. Crawford has questioned the impartiality of the Minority, because it had stated the truth that its terms did not permit it to recommend remedial measures. He hoped that the Colonel would withdraw his statement.

Resuming Mr. Jinnah said the real issue before the House was whether the Act was to be revised earlier than 1929 or not. It had been proved that Dyarchy could not enable them to make progress within the structure of the Act. No minor amendment would satisfy any section of the politically minded people. What then was the Government's answer? He had heard speeches from the opposite benches which scandalised the people of India (Hear, hear.) They were told they were not a nation during and after the war? How was they represented on the League of Nations as a nation? Was it that India was a nation, when it suited the British, and not when it did not. (Laughter.) Even Lord Birkenhead had contradicted himself in one place. He had asked whether India was a nation and in another breath had spoken of the people of India. The speaker recognised the difficulties and asked the Government to help India to overcome them. Lord Birkenhead had done a grave injustice to India by his statement that even ten cadets for the King's Commission were not forthcoming. Mr. Jinnah declared: "That is entirely false. We will give you ten thousand." (Applause.) Lord Birkenhead had shown utter ignorance of the conditions of India and grasp of only one side of the picture. He continued: "You say there are difficulties; I recognise them. Let us meet and solve them as comrades together. What is your answer to those who are co-operating? None. What is the answer to me me, who has come to co-operate? Do you want Pandit Motilal to go down on his knees before the Viceregal Throne and then only you will appoint a Royal Commission? What has he been doing in the Assembly? Has he not been co-operating? What other evidence do you want to produce that the responsible leaders are not offering you co-operation? Have you no eyes and no ears, have you no brains? (Loud applause from non-official benches).

Proceeding, Mr. Jinnah said that Lord Birkenhead's pomposity had claimed the present Act as a "humble" effort in human ingenuity. Yes; ingenuity indeed! (Laughter.) He had asked them to draft a constitution to solve "our problems," as if the problems were of the British people and not of the Indian people. (Laughter.) The amendment recorded fundamental changes, which they wanted to be incorporated in the Constitution. Let the Government say that such and such a proposal was wrong and he would be open to conviction.

Sir Charles Innes:—Will the Hon'ble Member explain whether he accepts what Pandit Motilal Nehru said yesterday that not a comma of this amendment must be altered?

Mr. Jinnah:—I am used to the mischievous attitude of the Hon'ble the Commerce Member. I will not be drawn into his parlour. I have known the spider too long and the fly is not going to be caught. (Loud laughter.) The Commerce Member had said that the Preamble could go to the winds.

Sir Charles Innes:—I said it can be altered, but not as you like.

Mr. Jinnah:—Supposing a Royal Commission came to the conclusion that, having regard to the growth of public opinion and educational conditions and the efficiency of the electorate, there should be an amendment of the Act on the lines proposed by Sir Charles Innes, the decision will rest with His Majesty's Government, but the Hon'ble Member does not admit it.

Mr. Jinnah, continuing, said:—Now let me come to this: Who will be the final arbiter? Who was the arbiter in the case of U. S. A.? Who was the arbiter in the case of South Africa?

Sir Charles Innes:—His Majesty's Government.

Mr. Jinnah:—Who was the arbiter in the case of Australia?

Sir Charles Innes:—His Majesty's Government.

Mr. Jinnah :—Who was the arbiter in Ireland? The Hon'ble Members who carry on the government of India lack utter imagination (Laughter). Sir Charles James had no doubt carried on his work conscientiously and had done good work, according to his light (Laughter). But his 27 years' life in India was his greatest disqualification in examining the constitution. Mr. Jinnah declared : "He tells us that we have not known chaos and anarchy for a century, but Sir, we have seen the horror of being disarmed. We have seen the horror of being kept out of our own administration. We have watched the horror of helplessness. We have seen the horror of the people being kept in darkness without even elementary education and could the conditions of any civilized country after a hundred years' rule compare with this? We want to free ourselves from these horrors. There is only one way to do it : that is to replace the irresponsible bureaucracy by a responsible democracy. We know the difficulties. We want you to help us. The Minority has proved the case for revision to the hilt. It was precluded by its terms to define Provincial Autonomy. To sum up, I want an answer. Are you prepared to appoint a Commission at once?"

Sir Alexander Muddiman :—I will reply in detail later. I do not want to be cross-examined.

Mr. Jinnah :—Secondly, do you sincerely and honestly want us to submit to your fundamental proposals on which a Constitution can be based? India to-day is in difficulty. I mean no menace and no threat. India is determined to win her freedom. The manner, the measure and time, either you determine in a reasonable spirit, or she will determine for herself (Lead applause).

Beth GOVINDAS, who represented the land-holders of the Central Provinces, said that the land-holders of his province had come to realize that their interests were not opposed to national interests. The speaker held that the Constitution must be framed by the people themselves and not forced upon them. He was of opinion that the Majority Report would be a stumbling block in the way of self-government. A policy of good-will would ultimately change Gandhiji into a co-operator. He appealed to the House to accept Pandit Motilal's amendment.

Mr. Darsaiwami IYENGAR said that the success of the first Councils and especially of the Ministers in the first year of the Reforms, was very largely due to active Non-cooperation outside. He asked the Government what they had done to satisfy popular demand. He said the Government had utterly failed in that. If they wanted the administration to be successful they must bring the two halves of the Government in the Provinces into closer touch with each other. Even the Majority had not thought it fit to transfer Land Revenue to the control of the Ministers. The Muddiman Committee could have achieved much if they had wanted to, but they failed to do so. Sir Alexander Muddiman had asked them to accept the principle of the Majority Report. The speaker asked if there were any principle in the Majority Report at all. The policy of the Government had been to obstruct the progress of the country. Let not Sir Alexander Muddiman go home with the idea that by rejecting the Majority proposals the Assembly was satisfied with the demands contained in the Minority proposals. They wanted something more and that was embodied in the amendment.

Dr. DATTA, while fully supporting the amendment, said that there were two types of minority communities in India, (1) the quantitative type and (2) the qualitative type. The strength of the Indian Christians in British India was 3 millions, whom the speaker represented. He held that the Christian minority was of both the qualitative and quantitative type. Referring to the question of the protection of minorities the speaker held that the present system would not be of any help. He thought the majority and the minority communities must come to a mutual agreement. The Government had failed to protect them during the last four years. It was only in the one province of Bihar and Orissa that one Indian Christian was appointed as Minister and that too by an Indian Lord Sinha. Englishmen, who were always for balance of power being maintained between the different communities, could not understand their conditions. Indian Christians were willing to co-operate with the other Indian communities, provided their co-operation was desired. Dyarchy was an experiment, very old in age. The Diwani and the Nizamat of Lord Olive in Bengal was nothing but Dyarchy. He condemned Dyarchy as unworkable and supported the amendment.

Sir Alexander MUDDIMAN then spoke for half an hour, asking the House to realize the effect of pressing the amendment of Pandit Motilal Nehru. If that amendment was intended to be pressed from various parts of the House as their considered proposal, then he inferred that those persons had come to the conclusion that they contemplated the future constitution of India to be based entirely on Western conceptions and that they

proposed to advance on that path. The late Mr. Montagu had once told Sir Alexander that his scheme was on the lines of Western representative institutions. He (the speaker) was not prepared to say what would be the wish of the House; but he at any rate had given an opportunity to the people of India to indicate their views in that direction. If the desire of the House was to proceed on the lines of Western democratic institutions then they had cleared the ground in that respect.

The amendment of Motilal wanted a declaration from the British Government on certain points, which, with certain reservations, amounted to full Dominion Self-Government. Another point, which was made clear in the amendment, was that the present legislative bodies were not sufficient to discuss the scheme in great detail and that therefore there must be a Round Table Conference or a Convention adequately representative of Indian, European and Anglo-Indian interests.

Mr. Rangaswami Iyengar : We have no mandate to discuss in detail.

Sir Alexander : At any rate it is recognised that the present legislative bodies are insufficient for that task. A large and representative body is to be constituted which should examine the scheme in detail and submit it to this Assembly (not to the Indian Legislature, be it noted) and then presented to Parliament to be embodied in a statute. This means the repeal of the Government of India Act as it exists at present.

Mr. Jinnah : Amendment.

Sir Alexander : Does it not involve repeal ?

Mr. Jinnah : Certainly not.

Sir Alexander : But it does involve the virtual repeal of Section 84 (A) of the Act. I find the signatories to the Minority Report of the Muddiman Committee have changed their ground and state now that we could do without the Royal Commission, contemplated under Section 84 (A) of the Act. The demands made in the amendment are remarkable in that they ask for extraordinary changes and the eighth clause gives us an ultimatum. My friends here regard it as an offer. I would like to know whether this offer is to be accepted without alteration or revision, without changing one comma or dot or semi-colon. That is a point I would like to know. If we accept this amendment, what do we get in return ?

Several Members : Full co-operation. (Laughter).

Sir Alexander : The principle of the amendment is stated to be self-determination. How can we live our lives independent of outside people ? I have never heard any nation say so. It is admitted in the amendment that constitutional advance can only come from the English people, i.e., from Parliament. I am glad the members generally have refrained from using the language of threat ; but I have heard charges made that the English are robbers and thieves. Will these charges do any good to India ?

Mr. Rangachariar : It was rhetoric.

Sir Alexander Muddiman : It may have been rhetoric, but I deprecate the use of rhetoric. The English people are sometimes used to take these words at their proper meaning. Another member said the object of the House was to throw down the present Government. I leave it at that. I am quite willing to believe that this amendment has been put forward in perfectly good faith. (Hear, hear). But if I were of a suspicious nature, I would be inclined to see Machiavellian intention in it. But I am not a suspicious man. (Laughter and applause). My friend, Mr. Jinnah, is in great difficulty, for in the Minority Report he wanted an authoritative enquiry and now he is inclined to think that the Assembly can ask Parliament to accept these large proposals contained in the amendment without enquiry by a Royal Commission.

Mr. Jinnah : Sir, Lord Birkenhead has invited us to indicate the lines on which we desire our Constitution.

Sir Alexander Muddiman : What Lord Birkenhead was talking about was the development of a constitution, which will give more free scope to that imagination which is so characteristic a feature of India. Then, Sir, I do not find in the speeches, the word, "electorate" mentioned.

Fundli Motilal : It is the resolution.

Sir Alexander : I say it was not used in the speeches. I hope you will regard the electorate as of great importance. I mention this, because it is my business to point out the difficulties, with a view to remove them, and not to hinder progress. (Hear, hear). We must face the facts of the situation. The Committee, of which I was the Chairman has made its observations on this point. I say the backward state of the electorate is one of the greatest difficulties you have to face in India. One member told that he returned with thanks the recommendations in the Majority Report. I ask, is it not sometimes wise for men asking for large concessions to say that humble desires are

not unworthy of consideration? With what can we support your demand for a declaration for full Dominion Self-Government?

Mr. Jinnah: "My speech." (Laughter).

Sir Alexander Muddiman: I want arguments which will be more effective. (Loud laughter). Lord Birkenhead has made it clear that acceleration in political progress is a matter of co-operation, that to refuse to work what you have got is not itself a direct claim for further progress, that the Government are not unsympathetic and he has therefore given you a generous offer. I earnestly hope that you will realise this position. I am willing to believe that this united demand from both Independents and Swarajists, made in perfectly good faith; but you will realise that in effect it is an ultimatum. The Government have been charged with doing nothing in connection with the question of Provincial Autonomy. The question of Provincial Autonomy was outside the scope of the Reforms Enquiry Committee. I don't agree that the investigation could be made by a Committee of that nature or any other Committee. The Government of India have recently availed themselves of the services of Sir Frederick Whyte, who has accepted our invitation to investigate and report to us on the relations between the Central and Local Governments in other parts of the world, with special references to the relations that obtain between the Central and Provincial Governments in India. It is in this manner that much good work could be done on this question. The evidence he will collect may be useful and will be placed before the Royal Commission, whenever it is appointed. (Applause).

Pandit Motilal: Sir, I want to know if, at this stage, it is permissible for me to answer certain questions which Sir Alexander Muddiman asked by way of information.

Sir Alexander Muddiman: The members in the House are going to speak.

Pandit Motilal: If my friend does not want an answer, then I am satisfied.

Mr. Jinnadas MEHTA felt that the kind of co-operation the Government wanted was co-operation in the continuous enslavement of India. The amendment showed that they did not want to go out of the British Empire. On the other hand they wanted to elevate the Government of India itself. Its position to-day was insignificant in the Empire, impotent abroad, and tyrannical at home. If the amendment was accepted it would make the Government for the first time the real Government of the country. The Home Member was clear-headed and sincere and he wanted to come to terms with them; but with all respect to the Home Member, he would describe the Reforms Committee as a "Muddy" Committee. (Laughter). Sir Charles Innes' speech had proved again that a bureaucrat could never be a statesman.

Mr. Venkatapathi RAJU was not heard distinctly in the press gallery. He was heard to dwell on the principle of self-determination.

In urging the Government to accept Pandit Motilal's demand, Lala DUNICHAND said that both the late Mr. C. B. Das and Pandit Motilal had held out the olive branch and Gandhiji, the leader of leaders, had preached the Gospel of Love; but the Government's attitude, on the contrary, had been most unresponsive. The amendment, he assured, did not satisfy the younger section of the Swaraj Party. The Hindu and Muslim differences would not last for ever.

Mr. ANEY said that the Majority proposals were without any principle at all and to accept them was like signing a blank cheque. The speaker thought that the Minority proposals were not given proper consideration. Judgment was pronounced against them with a preconceived and biased mind. The position of the Government was like one who stood on the horns of a dilemma. They could neither say that Dyarchy was a complete success nor an utter failure. The Government did not acknowledge its utter failure for fear of that being made a plea for a change in the constitution. Indians were tired of using strong language in the House and the only way to solve the problem was to generously accept the amendment.

Sir Darcy LINDSAY, supporting the Majority Report, asked the House not to attack those from whom they sought favours (cries of "No favours".) It was not by heroics and beating of drums that Indians could justify their demands. Extravagant speeches were likely to do harm. It was no good alienating the Britishers. Lord Birkenhead had given a message of sympathy (cries of "certainly not"). It was in working the present constitution that progress lay. Any scheme they prepared must be put forward, after full consideration by all the parties in the country and not merely after a few hours' discussion among the members of the Assembly. Some members had demanded a change of heart on the part of the Government; but a little reciprocity in that direction might be beneficial. At present it was more of take than give.

Pandit Motilal:—What have we taken?

Sir Darcy Lindsay :—Let there be no mistrust and suspicion. Let the Reforms be worked for what they are worth. A good deal of progress had been made under the Reforms and much more could be made if there was co-operation.

Mr. JOSHI said that the machinery was defective to protect the interests of the Indian and the working classes. Had His Majesty's Government discharged their trust by the people of India? The answer was certainly in the negative. The Government of India had almost failed to do their duty by the working classes. What was the history of the Indian Mines Act and the Factory Act? It was due to the pressure put upon the Government by the International Labour Conference. Perhaps the Workmen's Compensation Act was the only good feature. The future Constitution must be based on the suffrage of common people. Every adult person should have a vote. It was immoral to base any franchise on the possession of property, because thereby they gave greater value to property than to human life. The working classes should be represented by persons elected by their own organisation. There must be at least twelve such representatives, as demanded by the All-India Trade Union Congress. The principle of nomination should be given up. At present European officials were the servants of European capitalists and Indian officials were the servants of Indian capitalists.

Sir Alexander Muddiman :—Will the Hon'ble Member repeat his statement? Am I to understand from him that the servants of the Crown are servants of capitalists?

Mr. Joshi :—They are in effect so, Sir. If adult suffrage is introduced, then one section of the present triumvirate would be gone. Under Swaraj the masses will have to struggle to come into their own, but then the struggle will be more direct and easy. I support Pandit Motilal's amendment.

Mr. Amarnath DUTT, in supporting the amendment said Dyarchy should be abolished immediately and all reserved subjects should be transferred. The speaker thought the ideal question before the House was transference of power from Europeans to Indians.

Mr. NAIDU (Barma) thought that Pandit Motilal's amendment was premature and that Dyarchy had not had a fair trial. He supported the Government resolution.

Pandit Madan Mohan MALAVIYA in a long and forceful speech supported the amendment of Pt. Motilal. He gladly acknowledged the work done by British administrators, but affirmed that progress would have been fifty times more if there had been full Responsible Government. If Indians had been given a chance of working as coadjutors the progress would have been brighter and it would have been a matter of honour and satisfaction both to England and India.

Referring to the Majority Report of the Muddiman Committee, the Pandit emphasised the statement of Sir Mahomed Shafi, made after his retirement from service, in which he had asked for a Royal Commission. In the face of that statement the Majority Report became the Minority Report and the Government should withdraw what they called the Majority Report. There was peace in the Native States between Hindus and Muslims and for several thousands of years India knew peace as it did not know to-day. Pandit Malaviya joined in the appeal for a change of heart and said, whatever might be his opinion he had never for one moment stated that British Government in India should stop. "We have no desire to get away from the control of Parliament. The limitations mentioned in the amendment are in themselves a clear expression of our desire, that we are willing to submit to Parliament for sometime. How long it will be would depend on my English fellow subjects of His Majesty. Let the agreement between India and Britain be honourable and profitable to both. We want you to understand us and we wish to understand you." (Applause).

Sir Alexander MUDDIMAN, in summing up the debate, asked the members to take up the attitude that would be in the best interests of India. He was still in difficulty as to what the Assembly meant by the amendment, because so many constructions had been put on it. Mr. Joshi in a rash moment had said that the servants of the Crown were the representatives of the European capitalists. Let it be remembered that the administration of India after 1858, by the servants of the Crown prevented the exploitation of the country. (Cries of "question".) Sir Mahomed Shafi was now a private individual and he was free to defend his own action in respect of the Majority Report.

The amendment of Pandit Motilal was put and carried by 14 votes against 45 votes amidst loud applause.

SIMLA—9TH SEPTEMBER 1925.

Use of Firearms.

On the 9th September, after interpellations, Mr. RANGACHARIAR moved for consideration of his Bill regulating the use of firearms in dispersing unlawful assemblies as amended by the Select Committee. He said he was a mild Brahmin from Madras, and had never been a rioter, nor was likely to be one in future. (Laughter.) He did not believe even in a threat, but still he was a human being and must take a human view of things. They could forget the Punjab wrongs but they must act in a statesman-like manner and provide against a repetition. The genesis of his Bill was a resolution moved by Mr. Sastri in March, 1921, which Sir William Vincent accepted in part. The Government accordingly brought forward a Bill but afterwards let it lapse. The speaker then tried to introduce provisions in the Bill amending the Code of Criminal Procedure, but was ruled out of order. Hence the present Bill, which had been passed by the Select Committee in an amended form and was now before the House.

As the speaker was developing his arguments, stating that Indian crowds were not armed with anything more than lathis and brickbats, the Home Member interjected: "What happened in Kohat?"

Mr. Rangachariar: Kohat is different from the rest of India.

The Home Member: The Indian law applies to Kohat.

Mr. Rangachariar replied that he was speaking of the Indian crowd as a whole. There was nothing wrong with his proposals to regulate the use of firearms. He asked the House to pass the Bill as amended by the Select Committee and not leave the law as it was.

Mr. Ranga IYER said that Britishers in India, both civil and military, held the lives of Indians very cheap. He did not wish to refer to a recent case in Simla where a rickshaw coolie was kicked to death and his ribs were broken as the case was still sub-judice.

Mr. Tonkinson: Sir, on a point of order. The hon. member cannot refer to a case still sub-judice.

The President: Order, order. The hon. member cannot refer to the case.

Mr. Ranga Iyer said he only wanted to say that Europeans held Indian lives very cheap.

Sir William BIRDWOOD, the Commander-in-Chief, read from the latest instructions relating to martial law wherein the rules provided that when a Magistrate called in military aid the officer commanding the troops was empowered to be the sole judge of the situation and act in such manner as he thought best, and that he was definitely responsible for using the minimum force. He was responsible for the safety of his command. There was no statutory obligation on him to give previous warning in all cases and he could not be prosecuted without the Government's sanction. It seemed to him that definite personal responsibility of the officer was the best possible safeguard for ensuring the proper execution of duties and that the action taken was effective and that it prevented the risk of unnecessary casualties. Under the Bill the personal responsibility of a military officer would disappear as a Magistrate alone would decide the kind of weapon to be used, and the military officer would merely act as a machine. This was risky, because officers who were experienced in the use of force knew best how much force and what weapon

to use best. Past experience in India : soldiers exercised a perplexed and harassed civil officials. Secondly, if a be given invariably, then military force might not be able to save a situation of a kind where mob with torches was rushing to burn a house or factory, and troops were only a few hundred yards off and had no time to give warning. Thirdly, under Mr. Rangachariar's Bill an officer could be prosecuted without Government authority. Sir William hoped the Assembly would agree that an officer acted, not as a private individual but in the service of Crown and march against his will. It would be intolerable if such officer were to be at the caprice of any individual. He must be accorded a full measure of protection. Sir William finally held that an officer in on the spot alone could decide the necessities of the situation and they not tie his hands, thereby making still more arduous and complicated a situation already difficult.

Mr. VIJJIARAGHAVACHARIAR, speaking from experience as a Magistrate, felt that the fact that a detailed report of firing had to be submitted to the Provincial or Central Secretariat was in itself a difficult enough task for Magistrates, because the Secretariat, unlike what the public thought, did not proceed with bias in favour of district officers, but were critical and thought the officer must have gone wrong. (Laughter.) Fear of the Secretariat made district officers hesitate before acting according to their best light. They could never regulate the matter by rules because they could not prevent the personality of a magistrate coming into play.

Mr. GORDON, a Bombay official, speaking as a district officer, not on behalf of all district officers, because they had not been granted communal representation yet—(laughter)—assured the House he would welcome any law which aimed at instilling a greater sense of responsibility among district officers, but the present Bill did not. The Bill was not only vague but perfectly useless. As regards the last clause, it covered persons who were shot. But what about those who might be injured by cavalry. (Laughter.) He appealed to the House not to be led away by racial feeling but to enact a law which would hold good, even under Swaraj rule.

Mr. JINNAH said that Field-Marshal Sir William Birdwood had put his case with the precision of a soldier and the logic of a lawyer. He however felt that the English precedent had been quoted unnecessarily. The revised King's Regulations, it was true, omitted the provision that a military officer must not fire without the authority of a magistrate ; but what was good for England up till 1920 should be good for India, why was there therefore the cry that they were introducing a revolutionary change? The speaker asked whether the Government did not think its magistrates competent to be trusted to take the best decision. They must be all experienced men.

The Hon. Member : If you can give me 24 hours' notice before a riot is to take place I shall see that an experienced Magistrate is sent.

Mr. Jinnah : I presume the magistracy must be competent to perform its duty. If you cannot have it better hand over the Government to some one else.

Continuing, he said Sections 131 and 132 of the Cr. P. C. already protected officers against prosecutions being launched against them without Government sanction. All that Mr. Rangachariar's Bill did was to make an exception in the case of use of firearms.

At this stage the closure was moved and accepted. Mr. Rangachariar maintained his position and felt that Mr. Vijayaraghavachariar had only confirmed their view that magistrates had better judgment than policemen and soldiers.

Sir Alexander MUDDIMAN said the Commander-in-Chief had given the most cogent arguments that while it was a Magistrate who called in military assistance, the moment a military officer came the manner and degree of use of military force must be determined by the military officer alone. He assured Mr. Jinnah that if the House placed sufficient funds at his disposal he would place competent magistrates everywhere. As it was, in a sub-division where he was employed in his early days there were 900,000 people under his charge. He often used to be absent from his headquarters on tour far away and if any contingency arose in his absence, did they think that the honorary magistrate could take a proper decision?

The motion for second reading was carried by 56 votes to 47.

The House then discussed in detail the clauses of the Bill. Sir Sivaswamy Aiyer moved that sub-clause 4 should specifically provide that notwithstanding anything contained in Section 132 of the Cr. P. C. an officer could be prosecuted by any injured person, or his relative, without the sanction of the Government. The House accepted the amendment by a majority of 58 to 45.

Mr. Rangachariar then moved that the Bill be passed. The Home Member opposed it. The House however passed the Bill without a division and adjourned.

Protection for Paper

At the meeting of the Legislative Assembly on the 10TH SEPTEMBER Sir Charles INNES moved: "This Assembly recommends to the Governor-General-in-Council that assistance be given to the bamboo paper and paper pulp industry in India by the imposition, until the 31st March 1933, of a specific protective duty at the rate of one anna per pound on all printing papers (other than chrome, marble, tint, poster, and stereo) which contain less than 65 per cent. of mechanical wood pulp and on all writing papers."

Sir Charles gave the assurance that he did not want to hurry the House into accepting his proposal, but the Government felt that their proposals having been disclosed they must be put into effect, as soon as possible, to prevent a heavy import of paper before protection came into effect. He had moved his resolution first because he wanted the House to discuss the subject fully, which would not have been possible if he had brought forward his Bill only. He explained, briefly, the position of the industry and said Sir George Rainey and his colleagues perhaps thought discussion the better part of valour, and, by excluding newsprint, prevented the Press from being up against their proposals (Laughter.) But a more serious reason for excluding newsprint and other paper was that without very high protective duties cheap paper could not be excluded. The Tariff Board found that all mills manufacturing paper from sabal grass, except one at Mahanagar, had failed to prove that grass paper would be able to do without protection. Also, grass paper, though excellent for writing purposes, was not so good for printing purposes, and could meet only limited consumers. The demand for sabal grass paper did not fulfill the conditions laid down by the Fiscal Commission. Bamboo pulp paper, on the other hand, held out a prospect not only of doing away with protection and of cheap production of paper, but would meet a large demand. At present there was only one mill manufacturing from bamboo pulp, while another was to be soon started at Rajmundry. The Tariff Board suggested a specific protective duty of one anna per pound, which the Government had accepted, and he emphasised that this protection would be for specified paper in India, whether manufactured from grass or from bamboo.

But when the Board went further, said Sir Charles, was that it wanted the possibilities of cheap production of paper from bamboo to be fully explored. For this purpose it recommended that the Indian Paper Pulp Company be given either a loan of

Rs. 10 lakhs or be guaranteed a debenture to that extent to enable it to instal another machine to test the sulphite process. Similar help was to be given to the mill projected at Rajamundry to test the soda process. It was here that the Government differed from the Tariff Board.

In the case of the Indian Paper Pulp Company, said the Commerce Member, their reasons were, firstly, that this Company was not a joint stock company, but was privately owned by three or four shareholders. Its process was monopolistic and by helping it the Government would be helping monopolistic manufacturers. Then, again, it was felt that by advancing money the Government would be placing this particular company in an advantageous position in competition with other Indian companies in the market and that such an action would be extraordinarily difficult for the Government to justify. It would be unfair. At the same time, supposing another company was floated and was anxious to try the sulphite process, it might also look to the Government to assist it in installing machines. The Government's position in such circumstances would be very difficult. The same difficulty arose with regard to the mill at Rajamundry.

The Government of India's position was very difficult, but the same was not the case with the Provincial Governments. A Provincial Government could legitimately, under the aid to Industries Act, help any industry within its territory, but for the Government of India, who had to take the part of India as a whole, to make this invidious distinction and place certain companies unfairly in a better position compared with their competitors, would have been extraordinarily difficult.

The Government of India, therefore, said Sir Charles considered an alternative and they decided that the proposed protection be granted for seven years instead of five. This, they felt, would give the two companies an advantage equivalent to the assistance proposed by the Tariff Board, and that these should be able to raise money for the purpose.

The Commerce Member admitted that the Tariff Board's proposal about a subsidy was logical, but the Government of India had to take a broader and different view of its obligations. He hoped the House would accept his resolution and enable the industry to survive. He assured them that if the conditions later on changed he would come again to the House with his proposal.

Sir Willoughby CAREY, of the Titagarh Mills, speaking on behalf of the industry, said there were at present eight mills in India which had shut down owing to the rise in exchange and chiefly because of foreign competition. The competition from Scandinavia and Germany before the War made all Indian companies lose, but during the War this was made up. After the War foreign competition had again come in and, helped by depreciated exchanges, was again undermining the Indian paper mills. He was indebted, both to the Government of India and to the Tariff Board for their proposals for protection, and, although these did not give what the industry wanted, they would accept half a loaf rather than starve, and he appealed to the House to lose no time in passing the Government's proposals on that day. He felt that the Burma Government had not given them a proper opportunity to go and establish mills there. As regards the soda process Sir Willoughby said this had already been tried by this firm, but had not proved on a large scale the success which the Tariff Board anticipated it would prove to be.

Continuing, Sir Willoughby Carey emphasised that the Tariff Board had not provided against exchange fluctuations. He hoped the Government would make a six-monthly adjustment in duty on the basis of exchange fluctuation with a view to maintaining protection at the level now proposed to be granted. He feared that the proposal might retard the growth of the paper industry from wood pulp, which was quite in abundance in India.

Mr. KELKAR moved his amendment that grass should also be specifically mentioned in the resolution giving protection to bamboo pulp. Grass and bamboo were two rival raw materials of equal value for the paper-making industry and there was no reason to ignore them. The amendment, however, was rejected by 49 votes to 40.

Mr. RAMESH IYENGAR moved that the Tariff Board's recommendation be accepted entirely, namely, the grant of protection for five years and assistance to the two companies to the extent of Rs. 30 lakhs under conditions imposed by the Government. Mr. Iyengar held that the Board had proposed protection because they considered that by advancing or guaranteeing Rs. 30 lakhs the Government should be able to establish the potentialities of bamboo pulp, both from the sulphite and the soda processes. This amendment too was rejected.

Mr. NARAYAN DUMASIA moved that paper calendar paper, imported in reals, should be excluded from the protective duty on this kind of paper was not produced in India at all. Mr. B. Das and Mr. Cooke supported his amendment.

Sir Charles INNES said the Government's difficulty was that the Tariff Board considered the matter fairly and did not exempt super calender paper. He did not want any paper to be hit, but his difficulty was the Tariff Board's conclusions. He left the House to decide the matter.

The House accepted Mr. Damasia's proposal.

Mr. Rangaswami IYENGAR moved the addition of the following rider: "This Assembly further recommends that the recommendations of the Tariff Board for the grant of a loan or subsidies to firms with a view to fully explore possibilities of the manufacture of paper from bamboo by sulphite, or soda, or other process should be accepted in principle and that further investigations be made in accordance with the recommendations of the Tariff Board as to the most effective manner in which assistance may be given to all companies or firms that are prepared to explore the possibilities on a commercial scale."

Sir Basil BLACKETT said the Assembly had already rejected Mr. Rama Iyengar's proposition which raised the same issue. He gave the assurance that the observations in the statement of objects and reasons did not pronounce a decision on the general policy of a subsidy and loan but had only rejected the grant of assistance in the manner proposed by the Tariff Board, nor was the observation in the statement of objects and reasons any censure on the policy followed by Ministers in the Transferred field. The Government had not at all considered the broad issue of subsidies and the House should not, without fully considering this issue, commit itself to any particular policy.

Mr. Rangaswami Iyengar's amendment was rejected by 52 votes to 36. The debate had not concluded when the House adjourned.

At the next sitting of the Assembly on the 14TH SEPTEMBER Mr. JOSHI moved that the protection, as proposed, be granted provided—(1) That the company receiving assistance shall produce a certificate from any officer appointed by the Government of India for that purpose that the labour conditions prevailing in the works of the company are satisfactory; (2) that the Government of India are given such representation on the board of directors of every company receiving the assistance as the Government of India may consider adequate; (3) that the company receiving the assistance shall undertake to pay an amount to the Government of India out of the balance which may remain of the profits after the distribution of 8 per cent. dividend to the shareholders of the company, equal to the amount which the company may have received through the rise in prices of paper due to the imposition of the protective duty.

Mr. Joshi laid stress on the fact that he was actuated by a desire to safeguard the interests of the taxpayer and the interests of labourers.

Sir Charles INNES, while admiring the pertinacity and sincerity of Mr. Joshi, opposed the amendment as laying down conditions which could not in practice be worked. By appointing officers they would be merely appointing spies, whose presence would disturb the relations between employers and employed.

Mr. Devaki Prasad SINHA thought there was nothing revolutionary in the amendment, which only attempted to concede to the tax-payers what was due to them.

The amendment was lost by 58 votes to 37. The resolution was carried.

Sir Charles INNES then moved for leave to introduce the Bill providing for the fostering and development of the bamboo paper industry in British India. In the statement of objects and reasons it was stated that the Government accepted the Tariff Board's proposal to impose a protective duty of one anna per pound on printing paper and writing paper as specified in the schedule. The Government, however, considered that as the grant of loans or subsidies in the manner suggested by the Board was open to grave objections, the period for which protection should be granted should be seven years instead of five years, as proposed. Sir Charles Innes did not make a speech in introducing the Bill.

Mr. CHAMAN LAL opposed the introduction of the Bill. He said that the Tariff Board in their report had laid down that these paper mills did not fulfil the conditions laid down by the Fiscal Commission. The industry was not an infant one and, moreover most of the mills were European-owned.

Despite opposition, the Bill was then introduced. In asking the Assembly to take the Bill into consideration, Sir Charles INNES said it was nothing but a corollary to the resolution passed a few minutes before.

Mr. CHAMAN LAL opposed consideration of the Bill. The paper industry, he said, had made tremendous profits during the War. The trouble in the industry was due to mismanagement and bad technical knowledge. Most of the mills were either European or European-managed.

Sir Charles INNES, in moving that the Bill be passed, referred to Mr. Dumas's amendment that the protective duty be not imposed on super calendered paper imported in reels and said that this matter would be considered by the Government in consultation with the Advisory Committee attached to the Department of Commerce, and if it was found that protection should not be given to it, then the Government would bring forward an amendment during the next session. If the decision was for a protective duty then they would report to the Assembly. He made this announcement after consulting the members opposite, especially because he had received telegrams from Allahabad and Madras saying that if this amendment for exclusion from the protective duty was made to super-calendered paper it would place some papers in an unfair position in their competition with the "Times of India Illustrated Weekly."

Mr. M. K. ACHARYA regretted that the Government had accepted the suggestion that they should give financial help to such industries as required it. It was a pity that none of the Rs. 31 lakhs that the Government would get by protective duties by practically taxing education would be used to give financial assistance to any struggling company.

Sir Hari Singh GOUR contended that the industry as a whole should get protection and not merely the bamboo paper industry.

Sir Basil BLACKETT maintained that the Bill was framed in accordance with the Tariff Board's recommendations. It did not commit the Government to give protection to the paper industry in general, but only to the bamboo paper industry. The Government would not be justified in making a grant, or a loan, or a subsidy to any particular paper mill. The Rs. 11 lakhs which Mr. Acharya expected would come to the Government revenue might be used in relieving provincial contributions, and to that extent there might be a stimulus given to education. The Bill was then passed.

Criminal Procedure Code.

Sir Alexander MUDDIMAN then moved that the Bill further to amend the Code of Criminal Procedure, 1923, be taken into consideration. The Home Member said that since the passing of the Criminal Procedure Code Amendment Act certain difficulties had been brought to light by the Local Governments and judicial authorities. The provisions of the Bill were to remedy those defects, which were all of a minor character and there was no substance in them. The House was well aware what Section 109 was. Prior to the amendment of 1923 the effect of section 109 of the Code was that courts had discretion to award either simple or rigorous imprisonment in case of proceedings being taken against anyone. The effect of the amendment of 1923 was to take away that discretion and award only simple imprisonment. The present Bill attempted to restore it. The speaker said several Local Governments had represented that most of the persons against whom proceedings were taken under Section 109 were men for whom simple imprisonment was quite unsuitable. Concluding, Sir Alexander wished that either the House would pass the Bill as proposed, or would reject it.

The House rejected the amendment of Mr. Amarnath DUTT, that the Bill be referred to a Select Committee which the Home Member had opposed.

Mr. RANGACHARIAR objected to Clause 2 by which the Govt. wanted to restore the powers to send to rigorous imprisonment persons who were unable to find security because of possessing no ostensible means of livelihood. It was improper that any civilised government should rigorously confine persons simply because they had no ostensible means of livelihood. Only two years ago this Assembly removed the discretion from the magistrates to send persons to rigorous imprisonment and no necessity had been shown for the restoration of the discretion.

Sir Hari Singh Gour supported Mr. Rangaiahariar in opposing the clause. Mr. Tonkinson pointed out that the power to send a person to rigorous imprisonment would be used only at the discretion of the Magistrate and not necessarily at all times. Sir Henry Stanger supported the Bill. Mr. Venkatapati Raju and Mr. Belvi opposed the removal of the discretion.

Sir Alexander MUDDIMAN asked whether the Assembly was going to turn down every measure intended to support law and order. If so, let it say so. The change in the law removing discretion was made without consulting Local Governments, and now not only all Local Governments but jail officers and executive officers were unanimous that discretion must be restored. If the Assembly was not going to give discretion to the Magistrates then it was far better to remove Section 109 itself from the Code. There was no political flavour about the proposed change. It was moved solely with a desire to defend the hearths and homes of the people. Let the Assembly consider this point carefully.

Clause 2 of the Bill was then pressed and lost by 52 votes to 51. Sir Alexander Muddiman did not move for the passage of the Bill as amended.

The Assembly next considered and passed the Bill further to amend the INDIAN LIMITATION ACT, as reported by the Select Committee, and the Bill to amend the law relating to TESTAMENTARY SUCCESSION as passed by the Council of State.

Bounty for Steel Industry.

On the 15TH SEPTEMBER, the Assembly re-assembling, Sir Charles INNES moved his resolution asking the House to agree to the grant of a maximum of Rs. 60 lakhs bounty to the steel industry up to the 31st March, 1927, of which Rs. 18½ lakhs are to be paid up to the 31st March, 1926. His resolution, he said, proposed further assistance till March, 1927, when the Steel Protection Act expired and after which the whole question would be reconsidered. Sir Charles confessed that the recommendations of the Tariff Board came to the Government with a shock. Of course, the Tariff Board was logical in its views, but it did not take into account several considerations which the Government must take. He recalled that when the Government granted a bounty of Rs. 60 lakhs the Government were more generous than the proposal of the Tariff Board. He claimed that they had succeeded in extricating the industry from a serious position, and the Chairman of the Tata Iron and Steel Company had admitted it.

There was a considerable increase in consumption and large stocks of the Company had been cleared up. The policy of Protection had proved effective and as it continued to become effective there was bound to be a fall in the receipts under Customs. He assured the House that a modification of the Board's proposal did not in the least mean that the Government had weakened in its policy of protecting the steel industry.

Sir Charles reminded the House that the bounties were a very much more generous form of assistance than an increase in duties. His reasons for modification of the Board's proposals were, firstly, that the Board's estimate of receipts was only an estimate, and that in any case a margin of Rs. 24 lakhs was too small, considering other commitments, as they could not be too generous to one firm at the expense of other legitimate claimants upon them. But the most important reason was one which the Tariff Board could not take into account, namely, that bounties were rather a demoralising form

of assistance and made a firm rely too much upon the Government and too little upon its own efforts. He admitted he was treading delicate ground, but he recalled that he made an appeal to the Tata Company in May, 1924, and repeated it last January in asking the Company to co-operate with the Government and the Legislature. He hoped the Chairman of the Tata Company would bear him out when he said there had been hitherto no response to that appeal, and it was this feature which worried the speaker most.

The House must remember that two-thirds of the capital of this Company was in the form of second preference shares, the interest on which was cumulative. For the past three years about Rs. 50 lakhs of interest had been accumulated, and there was a load of debt amounting to over Rs. 1½ crores. The House must send a message to the Tata Iron and Steel Company that it expected the Company to take the matter in hand and fully co-operate in putting the industry on a sound and healthy basis. They had placed a heavy burden upon the country. The Tariff Board estimated that burden at about Rs. 1½ crores. In addition to that they had paid to this one Company Rs. 2,03 lakhs during the life of the Act. He thought they had been very generous to the Company. His proposal was to last the life of the Steel Protection Act.

Sir Purushotamdas THAKURDAS challenged the Government openly to state its view, and suggested that the whole matter of the company's affairs be referred to a committee of the House.

Sir Basil BLACKETT said the Government and the House were anxious that the Indian steel industry should be built up. They were prepared to allow a reasonable return on capital actually engaged in the production of steel, but the tax-payer could not be expected to pay for interest on second preference shares which had accumulated.

Sir Charles Innes's resolution was carried.

Railway Account and Audit

There was a heated discussion over Mr. Sim's proposal to separate audit from accounts on the East Indian Railway as an experimental measure. Mr. SIM said his proposal was sequel to the separation of railway accounts. It would make the spending authorities responsible for the accounts, and they would have an independent audit which they never had before.

Mr. KELKAR'S motion for the adjournment of the discussion to the Delhi session was supported by Mr. Neogy and Mr. Rangaswami Iyengar, but was rejected by 59 votes to 38 and Mr. Sim's resolution was finally passed by 67 votes to 14, after the acceptance of amendments specifically bringing the accounts staff under the control of the Financial Commissioner, and providing that difference of opinions between the accounts officer and the Agent be reported to the Standing Finance Committee on Railways.

All supplementary demands were granted except the one moved by Sir Basil Blackett under Stamps, which was rejected last March and was again rejected on this day, the majority being of opinion that it should be charged to capital and not to revenue. The Oudh Courts Supplementary Bill was also passed.

Disqualification of Electors.

On the 16TH SEPTEMBER the Assembly discussed two non-official resolutions and carried them both in the face of Government opposition. The

first resolution was moved by Pandit Shamlal NEHRU and was carried by a majority of one vote after the acceptance of an amendment by Mr. Rangaswami Iyengar. The resolution in its amended form urged the removal of all restrictions against persons who had undergone imprisonment for criminal offences from standing as candidates for election to the Legislatures. Pandit Shamlal said that if the Government really wanted co-operation, it should remove the bar. Mr. Rangaswami Iyengar urged the removal of the restrictions which at present fettered the right of constituencies to elect their representatives. He wanted India to have the same practice as England.

Prince Akram Hussain, Colonel Crawford and several other members opposed the resolution, while several speakers supported the motion.

The Home Member said he was perfectly ready to see all those who were anxious to co-operate by constitutional methods come into the Legislature. Most countries had disqualifying provisions, indeed the conviction of a person for breaking the law was *prima facie* evidence that he was not a desirable person, but he admitted that there were special conditions existing at present, and assured the House that the Government, by altering the rules raising the limit to one year, and allowing the Local Governments to use their discretion, had done all it reasonably could to meet the wishes of the House. He, personally, would have preferred some automatic provision rather than the discretionary powers of Local Governments, but it was impossible to do that and to define the offences involving moral turpitude.

Suspension of Cotton Excise duty.

The second resolution discussed was moved by Sir Purshotamdas THAKURDAS who suggested suspending the collection of the Cotton Excise Duty for the rest of the financial year. He said the fact that prevention was better than cure, that the condition of the industry was very critical and that over 30,000 millhands were now out of employment, should make the Govt. realize the gravity of the situation and assist the industry. If assistance was not given, it would only prove that the only way they could obtain relief was from a national government. As regarded the financial aspect of the question, he believed that the Government had more than adequately strengthened their finances, but the will to use them to abolish the excise duty was wanting.

Sir Basil BLACKET, on behalf of the Government, explained the attitude of the Government and advised the Assembly to have the debate adjourned. Suspension of the duty, he said, was equivalent to abolition of the duty. It would be difficult to re-impose the duty in April if it was suspended now. It was not practical politics. There was a large staff employed at a cost of Rs. 70,000 to Rs. 80,000 on collection of the duty. What were they to do when the duty was suspended? If the duty were suspended it would mean a loss of Rs. 80 to Rs. 90 lakhs and the millowners, when once the duty was suspended, would produce so much and stop producing after April. Thereby there would be a loss of Rs. 50 lakhs in the Budget for next year. The Government could not find money in the present year's Budget to suspend the collection of the duty in the middle of the financial year. Moreover, if there was a surplus there might be demands for remission of Provincial Contributions and such other demands. Neither the Government nor the Assembly could conceivably, however serious their financial situation might be, short of a real calamity, re-impose this duty next April if it was suspended now. If the Assembly wanted a subsidy for the cotton mill industry then let it say so, but not bring in this indirect and round-about manner a motion

for the virtual abolition of the cotton excise duty. If the Assembly passed the resolution the Government would treat it as a strongly expressed desire of the House for consideration of the question of the abolition of the duty if financial considerations permitted at the time of the next Budget.

Mr. Kasturbhai LALBHAI, supporting the resolution, said the time had passed when lip sympathy could alleviate the situation. Unless something was done now a grave situation would arise which would be beyond remedy. As to the question of referring the matter to the Tariff Board, he said the matter was fully considered by the Fiscal Commission. Suggestions like these were intended to postpone help.

Sir Charles INNES pointed out that the analogy of protection given to the steel industry did not apply because it was only for one firm, whereas the cotton mill industry contained no less than 150 mills all over India. He doubted very much if the suspension of the cotton excise duty would touch the fringes of the real problem facing the cotton mills. It was not practical politics to reimpose the duty in April when once it was suspended. The Commerce Member asked why the millowners shirked an enquiry of the whole position by the Tariff Board. He suspected the millowners had not a strong case to make out.

Sir PURSHOTAMDAS replied that he wanted not a favour but justice and their birthright on behalf of the textile industry of India. When the millowners were not anxious for an enquiry why were the Government anxious for an enquiry? The attitude of the Government of India clearly showed that the textile industry could not expect relief. It was no use appealing to Madras and the Punjab benches and hinting that if the duty was suspended there would be no remission in Provincial Contributions. But he assured the Finance Member that next March the Assembly would extract from the Finance Member abolition of the cotton excise duty.

Sir Basil Blackett said he had referred to an enquiry by the Tariff Board because it was the Millowners' Association which had suggested the imposition of a higher import duty on yarn and cloth below 30 counts on grounds of protection.

Sir Purshotamdass Thakurdass's resolution was put and carried by 57 votes to 32.

On the 17TH SEPTEMBER, the last day of the session, the Assembly, though faced with an official agenda of considerable length, was not in a mood to discuss controversial issues. Accordingly, the discussion of the Home Member's resolution regarding the Standing Committees on Hindu and Mahomedan law, as recommended by the Muddiman Committee, and the consideration of the Trade Union Bill, as amended by the Select Committee, were adjourned to the Delhi session.

Sir Dhanpandranath Mitra and Mr. Chartres opposed the adjournment motion as they considered it to be of a dilatory character.

Mr. Joshi, Mr. D. P. Sinha and Mr. Chaman Lal considered the time too short and the attendance too small to consider such an important question.

The House passed the Home Member's resolution accepting the Muddiman Committee's recommendation in respect of female franchise, and also accepted the Commerce Member's resolution proposing an amendment of the Steel Protection Act so as to empower the Government to pay by way of bounties on wagons a sum not exceeding Rs. 2½ lakhs during the three

financial years commencing the 1st April, 1924, instead of a sum not exceeding Rs. 7 lakhs in each of these financial years.

Trade Taxation Bill.

Sir Basil Blackett next introduced the Trading Taxation Bill. One of the resolutions of the Imperial Economic Conference, 1923, was to the effect that the several Parliaments of Great Britain, the Dominions, and India should be invited to enact at the earliest opportunity a declaration that the general and particular provisions of its Acts or Ordinances imposing taxation shall be deemed to apply to any commercial or industrial enterprise carried on by or on behalf of any other such Government, in the same manner in all respects as if it were carried on by or on behalf of a subject of the British Crown. This resolution has been accepted by the Government of India, and the present Bill has been drawn up in order to give effect to it. The Bill follows, with suitable modifications, the wording of Section 25 of the British Finance Act, 1925.

The House disposed of formal business by agreeing to amendments made by the Council of State in the Age of Consent Bill and the Coal Grading Bill, and also passed the following Bill as passed by the Council of State:—Criminal Tribes Bill, Cotton Transport Bill, Madras, Bengal and Bombay Children's Act Supplementary Bill, Ports Bill, and the Repealing Bill.

Sir B. N. Mitra introduced a Bill amending the Factories Act to carry out administrative improvements. The House agreed to circulate the Bill.

The Finance Member moved for the grant of Rs. 17 lakhs for capital outlay on the Security Printing Press now charged to capital according to the Assembly's wishes. He made it clear that charging to capital this particular expenditure should in no way be taken to infringe the right of the Government to follow the policy which had so far been in practice. The House accepted the motion.

The Assembly adjourned sine die.

The Council of State

DELHI—22ND JANUARY 1925

The Council of State held the first sitting of the winter session on the 22nd January at Motenile House, Delhi. There was a fairly large attendance of members. Sir Henry Moncrieff-Smith, the new President, occupied the chair.

Sir Narasimha SARMA, leader of the House, accorded a cordial welcome to Sir Henry Moncrieff-Smith with whom he had been associated for a number of years, both as a non-official and as an official. A series of speeches followed from all sections of the House endorsing the Law Member's observations.

Mr. SETHNA then moved a resolution expressing "profound sorrow at the sad and premature death of Mr. Montagu, who as Under-Secretary and later as Secretary of State had rendered very valuable and distinguished service to India.

Mr. SETHNA next moved that the Government of India should urge upon the British Government that effect be given to the recommendation of the Lytton Committee that the existing bar upon the admission of Indian students to the University Officers' Training Corps (in England) should be removed. Lord Rawlinson, on behalf of the Government, accepted the resolution which was carried.

The Provident Fund Bill

On the 27TH JANUARY an interesting discussion took place on a formal motion moved by Mr. CREAR (Home Secretary) asking for the concurrence of the Council to the alterations made by the Legislative Assembly in September last in the Bill passed by the Council of State relating to the Government and other Provident Funds.

When the Bill was passed in the Council in September last there was a provision which enabled the employer to deduct from the amount payable to the employee certain sums of money. It was laid down that in the case of contributory provident funds, that is, in cases of funds in which both the employer and the employee contributed, the employer "can deduct (a) any amount due under a liability incurred by him (employer) not exceeding the total amount of the employer's contributions credited to the account of the employee and of any interest or increment which has accrued on such contributions, and (b) where the employee has been dismissed from employment, or where he resigns service within five years of employment, the whole or any part of the amount of any such contributions (paid by employer), interest or increment."

When the Bill went down to the Legislative Assembly the non-officials deleted the second clause, that is, the clause which enables the employer to forfeit the provident fund contribution of the employer in the case of dismissal or resignation of the employee before five years' service. The main objection advanced by non-officials in the Assembly against this provision was that it would be unjust on the part of an employer to give the employee a double punishment, not only of dismissal (sometimes without sufficient reasons) but also of forfeiture of the amount earned for work. It was further pointed out by non-officials in the Assembly that labourers were sometimes dismissed because of their joining labour unions. The Assembly, for these reasons, deleted the second clause.

Mr. CHADWICK (Secretary in Department of Commerce and Railways), in a spirited speech, urged the restoration of this clause, without which, he said, a good Bill would become a bad law. Contributory provident funds were largely started by railway administrations in the interests of their employees but for obscure reasons the Assembly rejected the sound provision in the original Bill. Employees were dismissed only after a good case had been found against them. No one, he contended, was dismissed arbitrarily by a railway administration and if any one was dismissed arbitrarily the remedy must be found, not through a Bill of this description, but by other means. Last year eight railways disbursed Rs. 82 and one-fourth lakhs to their employees and only Rs. 25,000 was withheld on account of dismissal and misconduct, like theft and interference with passengers.

The Council adopted Mr. Chadwick's amendment amid a few dissentient voices and thereby restored the provision in the original Bill.

Encouragement of Indian Art

On the 26TH JANUARY the Council of State discussed Mr. Haroon Jaffer's resolution asking for the immediate appointment of a committee to formulate a scheme of scholarships and prizes for Indian art students engaged in painting, sculpture, architecture and artistic crafts. The mover said his resolution was really nothing but a translation into practical form of suggestions made by Sir George Lloyd who did so much for Indian Art in connection with the Bombay School of Art. Sir George Lloyd has suggested that the Central Government should establish a "Prize of Delhi" and that students qualifying in sculpture and painting, and perhaps in architecture and artistic crafts, as winner of the Prize should be admitted to a central institution, a kind of Villa Medici, there to reap the fullest advantages of a period of three or four years' painting and modelling.

Mr. SETHNA moved an amendment as an addition to the resolution, suggesting that a central institution be opened where scholarship-holders and prize-men may continue their work for a period of three or four years.

Mr. A. B. LEY (Industries Department Secretary) said that the attitude of the Government was one of extreme sympathy with the proposals but the Government could not accept the resolution as it stood. The amendment completely altered the aspect of the original resolution and the Government could not commit itself one way or the other on this question with such short notice.

After further discussion the resolution and the amendment were boiled down to the proposition that the Government should consider the advisability of formulating a scheme of scholarships and prizes for Indian art students engaged in painting, sculpture, architecture and artistic crafts and to establish a central institution where scholarship-holders and prizemen may continue their work for a period of three or four years. This proposition was accepted by the Government and carried unanimously.

Paper Currency Act Amendment.

On the 5TH FEBRUARY the Council of State, passed without amendment two Bills which came up from the Legislative Assembly. The first was the Bill to amend the Paper Currency Act, 1923, in order to raise the permissible limit of investment in the Currency Reserve from Rs. 25 crores to Rs. 100 crores, so that additional currency might be provided with a view to prevent excessive momentary stringency during any busy trade season. Mr. MCWATERS (Finance Secretary), who moved for consideration of the Bill, traversed mainly the arguments that had been advanced by Sir Basil Blackett in the Assembly. He emphasised that the Bill was beneficial, necessary and a safe measure, intended to deal with the increase in trade that was expected as a result of four consecutive good monsoons. He added that he recognised that ideas of currency reform were in the air, but the fundamental questions of this reform could not be rushed, and, as His Excellency the Viceroy pointed out in his opening speech, if world conditions continued to improve as they had been improving for some time past then the time was not far distant when an authoritative committee would be appointed to recommend the lines of currency reform. The Bill was taken into consideration and passed.

Workmen's Breach of Contract.

On the motion of Mr. CREER, the Council took into consideration the Bill to repeal certain enactments whereby breaches of contract by labourers are punishable under the Criminal Law. Mr. Creer emphasised that the Bill was brought forward in fulfilment of the pledge given by the Government to the Assembly on two motions and with the approval of the Secretary of State. This Bill too was taken into consideration and passed.

Natal Boroughs Ordinance.

On the 11TH FEBRUARY the Council of State re-assembled to dispose of two non-official resolutions. The first resolution was in the name of Mr. SETHNA urging the expediency of taking steps to secure the annulment of the Natal Boroughs Ordinance to which assent had been given by the Governor-General of South Africa. Mr. Sethna did not move the resolution and in withdrawing it he more or less repeated the explanation given by Sir Devaprasad Sarbadhikari a few days ago. Mr. Sethna, who was himself a member of the deputation to the Viceroy said he returned quite convinced that the Government of India were in right earnest and he felt confident that the Viceroy and his Government would leave no stone unturned till they brought about an honourable settlement of this vexed question.

Military Training for Indians.

Raja Sir Rampal SINGH then moved his resolution recommending to the Government (a) to raise the strength of the University Training Corps so as to meet the demands of the Universities of the different Provinces for giving military training to such of their students as are physically fit, and, (b) to extend to members of the University Training Corps the same privileges as are being enjoyed by members of the Auxiliary Force.

In moving his resolution Raja Sir Rampal Singh said the various enactments passed from time to time for the formation of volunteer corps did not deter Indians from admission into these corps but in practice only very few Indians got admission. This was due to objection by executive orders on racial considerations was strongly felt by Indians. There were no avenues for Indians of education, status and position to get military training of any kind. Only enrolment in the cavalry and infantry branches of the service and non-commissioned and commissioned ranks of the second order were open to a certain class and that too on inadequate pay and with no status. The Higher Committee had laid stress on the importance of encouraging University Corps and even the Provincial Governments were not averse to their development. The Universities had become conscious of their duties towards their students as regards military training. In the United Provinces the Allahabad, Benares and Aligarh Universities had expressed their readiness to introduce compulsory training. It would be unnecessary on the part of the Government not to encourage and foster the very legitimate aspirations of young educated Indians for the defence of their country. The Government was pledged to carry out a scheme of second line defence and there should be no half-heartedness in carrying it out. It was an admitted fact that the University Training Corps did not enjoy the same privileges, rights and concessions as did the Auxiliary Force. He therefore appealed to the Government to accept his recommendations.

His Excellency Lord RAWLINSON said he found himself in agreement with some of the remarks of Raja Sir Rampal Singh. All the points which he had raised formed some of the subjects gone into by the Auxiliary and Territorial Force Committee, presided over by Sir John Shea, and a prominent member of which was Sir Sivaswamy Aiyer. This Committee had signed an unanimous report about a fortnight ago which would be published on the 24th February. Concluding, he said; "I cannot tell you what the report contains and what the Government is going to do. I should like to accept the resolution but I cannot do it now. I am reluctant at the same time to oppose it, knowing as I do that the desires of Raja Sir Rampal Singh and his supporters are met to a very large extent by the proposals of the Committee. I therefore would appeal to you to have the discussion postponed till after the report is published."

Eventually the discussion was postponed till a fortnight after publication of the Report.

On the 16TH FEBRUARY Mr. YAMIN KHAN moved for leave to introduce a Bill to amend the Interest Act, in order to provide that no creditor, whether of a secured or unsecured loan, shall be entitled to recover by law interest exceeding the principal amount originally lent or due at the date of suit, whichever is less, and that this provision shall not apply to usufructuary mortgages.

Mr. Cicerar, Home Secretary opposed the introduction of the Bill.

The motion for leave to introduce the Bill was lost, 21 voting against it and 16 for it.

Ganges Water Enquiry

Sir Devaprased SARBADHIKARI moved for the appointment of a Committee of members of both the Council of State and the Assembly and of officials to examine and report on the question of the supply of Ganges water at and below Narora and to advise as to the necessary quantity of unobstructed water that should be allowed to escape at Narora in order to meet fully the requirements of the situation created by the pilgrim traffic. Sir Devaprased detailed the various stages of the controversy and emphasised the importance of an early solution from the Hindu point of view. The importance of this question was admitted by Lord Hardinge and reiterated by Lord Meston while he was Lieutenant-Governor of the United Provinces. The subject was in the hands of the Government of India as the Ganges passed through three Provinces.

Mr. LEY, Industries Secretary, opposed the resolution. He pointed out that the United Provinces Government had fully considered the genuine grievances of the Hindu community and appointed a committee, which reported that a certain greater percentage of water should be allowed for the use of pilgrims. A large portion of the cultivating population and some public bodies resident near Narora protested against this decision, which to them meant loss of Rs. 12 lakhs, but the United Provinces Government despite the loss, agreed to the conclusions of the committee in order to satisfy Hindu

feeling. The Government of India did not propose to interfere with that decision because they were in complete agreement with it.

The resolution was put and declared carried, the Government not claiming a division.

Soldiers' Litigation Bill

On the 17TH FEBRUARY, Mr. CRERAR moved the consideration of the Indian Soldiers' Litigation Bill as passed by the Legislative Assembly a few days ago. After explaining the changes accepted by the Assembly in the Soldiers' Litigation Act the Home Secretary pointed out that the general purpose was to remove defects and doubts contained in the measure and to bring it into conformity with the Limitation Act.

The Council without discussion agreed changes. This acceptance will now be intimated to the Assembly, and the Bill will be taken as passed because the Bill was originally passed in this Council and sent down to the Assembly, where a select committee was appointed which recommended the changes, now approved by both the Houses.

On the motion of Mr. CHADWICK (Commerce Secretary) the Council agreed to the introduction of the Bill to amend the Ports Act of 1908 regulating the bunkering of vessels with liquid fuel within port limits.

Khan Bahadur Ebrahim Haroon JAFFER then moved a resolution recommending full investigation at an early date into the mineral resources of Chota Nagpur and urging the advisability of establishing in that district a school or institute of mining.

Mr. LEY (Industries Secretary) assured the Council that the Director of Geological Survey had in his mind the completion of survey in Chota Nagpur district. There was therefore no special investigation necessary at this stage.

In view of Mr. Ley's speech Mr. Karandikar suggested an amendment to the resolution, which was supported by Sir Maneckjee Dadabhoi that the first portion of the resolution relating to investigation be dropped. The second portion about establishing a school was carried unanimously.

On the 23RD FEBRUARY Khan Bahadur Ebrahim Haroon JAFFER moved that the Provincial Governments be asked to investigate the best means of dealing quickly and adequately with mental defectives, particularly of a minor and curable kind.

Sir Devaprasad Sarbadhikari and Sir Maneckjee Dadabhoi gave wholehearted support to the resolution.

Mr. Crerar, on behalf of the Government of India, undertook to communicate to Local Governments, the proceedings on this resolution, with a strong note of sympathy.

Khan Bahadur Ebrahim Haroon Jaffer thanked members for their support of the resolution, and, in view of the Government's assurance and undertaking to circulate the report of the debate, he withdrew the resolution.

Criminal Law Amendment Repeal Bill.

Mr. KARANDIKAR then moved for the consideration of the Bill passed by the Assembly in September last at the instance of Sir Hari Singh Gour, repealing Part II of the Criminal Law Amendment Act of 1908. It will be remembered that Part I of this Act was repealed in pursuance of the report of the Repressive Laws Committee. An attempt was made by Lala Girdharilal Agarwala in the first Assembly to get the second part also repealed, but it failed. Sir Hari Singh Gour induced the Assembly to pass this repealing Bill in the last Simla session.

Mr. Karandikar said that under this Act the Government could declare any association unlawful and there was no provision enabling the association to appeal and get justice. The Act was passed in the old Imperial Legislative Council in 1908, when Sir Maneckjee Dadabhoi had urged that the operation of the Act should be for a stated period. Sir Rash Behari Ghose had urged that it was for the Government to show that a certain association was unlawful. After 1911 for some time no instance occurred in which the Act was made applicable. From 1914 to 1918 the Defence of India Act was put into force. Then came the Reforms, which it was thought would be heralded under favourable conditions. The Repressive Laws Committee recommended the repeal of this Act, but while the first part of it was repealed the second was allowed to remain on the statute book. It was a slur on the administration of justice and the Council of State must support the Assembly's action. The Repressive Laws Committee had recommended that it might be possible for the Government to undertake the necessary legislation to repeal this Act during the Delhi session of 1922. Its repeal must be expedited with the change in the political situation. There might be instances here and there requiring the use of this law, but the country as a whole was quiet and should not be stigmatised by the continuance of this enactment.

Sir Alexander MUDDIMAN, who was present to take part in the debate on behalf of Government opposed the motion. Mr. Karandikar, he said, had referred to the early history of this enactment, but he did not mention the fact that the old Assembly in July, 1922, rejected a similar motion of Lala Girdharilal Agarwala. If the Government could not maintain peace by the ordinary law then it must maintain it by special laws. No Government could afford to adopt a policy of drift and allow the situation to grow into proportions that would require the application of martial law. The Act to which Mr. Karandikar objected was meant to be used only against those associations which encouraged acts of violence or intimidation, and whose existence constituted a danger to the public peace. No one could object to such a law. Although a Local Government might in some cases go wrong, the situation in India rendered it necessary to retain a measure of this kind on the statute book. One of the most striking proofs of this was found in the fact that within four days of the Assembly's action in passing Sir Hari Singh Gour's repealing Bill, a situation arose in Burma in connection with a boycott movement necessitating the application of this measure.

Moreover, as the Repressive Laws Committee itself reported, there was definite evidence of certain organisations encouraging acts of violence and intimidation and in 1922 it was found necessary in Delhi to declare certain associations of volunteers unlawful, as they had resorted to violence and intimidation and obstructed the funeral of a citizen. The Committee regretted that they could not at that juncture agree to the repeal of Part II of the Act. It might be argued by some that since then the position had improved, but everyone knew the situation in Bengal and was conversant with the grisly record of crimes in that province, where matters had come to a head. Moreover there was a dangerous revolutionary conspiracy in India and there was a real danger to India from abroad of Bolsheviks spreading seditious literature, poisoning the minds of peaceful, and lawabiding citizens. The situation in Burma and in the Punjab was such that the Government could not possibly agree to the repeal of this Act. If this Act was repealed then these unlawful associations would usurp the powers of the Government and prevent peaceful citizens from pursuing their lawful vocations. At a time when the Government were dealing with such difficult situations they required the support of the Council, but this Bill was against the interests of law and order and the Council of State should reject it.

Mr. KHAPARDE moved the reference of the Bill to Select Committee, with a view to incorporate in the existing law a provision so that the application of that law might be justified before the Standing Advisory Committee after a certain period of time. Such a provision would not only enable the Government to apply the law on all necessary occasions but would not only enable the people to feel sure that it was being rightly applied. This amendment was put and lost.

A number of members approved the motion but Mr. Karandikar said he maintained his attitude because he was convinced that the mistake of 1908 must now be rectified. He would not take the discredit of withdrawing the Bill but would press the motion to a vote, because it was time that their House should declare itself on the question, after the Assembly had passed the Bill.

Sir Alexander MUDDIMAN emphasised that if this Bill was pressed and passed then the Governor-General must veto it. This was not a mere resolution recommending repeal of the law but it was legislation and he hoped the Council would reject the measure as advised by Sir Dinsha Wacha, one who had promoted liberal ideals in this country for a long period.

The motion for consideration of the Bill was put and lost, six voting for and 36 voting against it.

General Discussion of the Budget

On the 24TH FEBRUARY the Council of State devoted to the general discussion of the Railway budget. Sir Charles James was present in the Council to "enquire the right of reply to the debate".

Mr. BELL, Bengal Chamber of Commerce, was the first to initiate the discussion. He welcomed separation of the Railway finances from general finances as of great advantage in that it would enable railways to be run as a commercial proposition. He wanted to know the detailed information on the reduction of four crores in the value of stores which was said to have increased the capital expenditure to that extent. This appeared to be an unusual term and further explanation must be forthcoming for the huge figure.

Mr. Bell approved of the increased expenditure in the coming year on rolling stock and marshall yards and quoted the evidence tendered before the Coal Commis-

support of the necessity for extension and remodelling of yards, if the railways were to be run to the convenience of the public. But he regretted that the necessity for remodelling the marshalling yards in Behar and Orissa had not been considered in this connection. At the same time he was glad that the Railway Board had dealt generously with regard to doubling of lines on E. I. Railway and with regard to expansion and improvement of Railway workshops in several parts of India, because no system of transport could be run without great wastage of tonnage, unless it had sufficient well-equipped workshops in which repairs could be economically carried out in the quickest possible time.

Sir Maneckjee DADABHOY took the Government severely to task for not consulting the Council of State on the admittedly historic step involving what Sir Charles Innes had described in the Assembly as an important change in policy.

"I recognise," said Sir Maneckji "the privileges and financial obligations of the Legislative Assembly. If the matter lay exclusively within the jurisdiction of the Assembly, I for one, would never take any objection to it, but it is the duty of everyone to see that the privileges of the Council of State are in no way restricted or affected. Here was an important change of policy involving special contribution from Railways to the general exchequer, but this Council was not even given the principle of that change. I look upon all members and the President to see that the rights and privileges of this supreme legislative body are never curtailed."

Proceeding, he considered the scheme of separation as possessing distinct advantages; but he deprecated the departure of the policy in regard to the terms for construction of branch lines, because it would take away a useful form of public investment in Railway projects and the present construction of smaller lines and created a sense of disappointment among a certain class of public, who had hitherto regarded these branch lines as safe and sound investment.

Proceeding, Sir Maneckji approved of the standardisation of locomotives and the Indianisation scheme. He recognised that Indianisation was slow, but he did not object to it, because efficiency must also be maintained. He appreciated the difficulties of the Government in this matter, and recognised that Anglo-Indians should not be overlooked. But he urged that no obstacle should be placed in the way of efficient Indians being promoted. Concluding, Sir Maneckji said he considered the budget as a whole as one which held out hope for future development and expressed gratitude to Sir Charles Innes and Mr. Hindley for their industry and exertion in this matter.

Mr. Lalubhai SAMALDAS also gave his general approval of the Railway budget, but he joined Sir Maneckji Dadabhai in the protest to the Government for their not having consulted the Council in the matter of separation of Railway Finance. If the Government were going to treat them like this throughout, then some of the present members of this Council would not care to come in through the next election. Let the Government take note of this feeling of this Council and treat this House with greater consideration. He objected to the Government taking from the Railways more than 1 per cent of their profits and quoted the analogy of the guarantors, known as shroffs in the Banking world, because if the Railways were to be run on commercial lines, then there must be something kept in the Reserve for bad or lean years. He approved of the starting of a training school at Chandausi as a right step in the right direction, but complained that the rate of Indianisation was not satisfactory. He asked the Government to consider the fact that the money left after spending on renewals and repairs and replacements from the depreciation fund would earn interest, and therefore the period of writing off the plant should be lessened. Concluding Mr. Lalubhai urged that there must be co-operation between Railways and Hydro-Electric Companies in the matter of electrification of Railways in the suburbs.

Lala RAM SARAN DAS complained that no Indian has been appointed on the Railway Board and asked: Was not Rai Bahadur Balla Ram, Retired Chief Engineer of Railways, who was considered by the Government as an able man, a fit person on the Railway Board? He bitterly complained of the lack of convenience like waiting sheds and raised platforms for third class passengers and proceeding urged that the system of reservation of compartments for particular communities should be abolished. He welcomed the decision to revert to new constructions on a large scale, but pleaded for strengthening of the Travelling Police as a safeguard against the increase of crime on Railways. He deprecated the feeling on the part of the Government that members of the Legislature should not pry into the details of the Railway administration and said that the Government must welcome all healthy criticism given with the intention of remedying defects. He considered that Indianisation had not been proceeded with on some Railways as expected, and pointed out that on the North-West Railway especially it had been practically

at a standstill. As regards the amount of 26 lakhs meant for giving Lee Commission's concessions to the officers on Company Railways, Mr. Ram Saran Das objected to colour bar being introduced in regard to the emoluments to the services, and wanted to know why the State should pay for the officers of Company Railways. Concluding he thought that if the new terms for the construction of the branch lines did not work well, then there must be a reconsideration of the question.

Sir Deva Prasad SARVADHIKARI complimented the Railway member and the Chief Commissioner on their admirable work in regard to the separation of Railway finance, but contested the argument that the legislature should not dictate in matters of details of Railway administration.

Sir Deva Prasad also joined Sir Maneckjee in the protest that the Government had not consulted the Council in the matter of separation, and incidentally asked why not a word had been mentioned in this Council about the publication of the Reforms Enquiry Committee report, while an announcement on this had been made by the Government in the other House? This kind of ignoring on the part of the Government was not fair to this House which had supported the Government (Laughter). He endorsed the other observations of his non-official friends as regards Indianisation and grievances of third class passengers, as also the new terms for construction of feeder lines.

Concluding Sir Deva Prasad referred to the Howrah Bridge and said that Calcutta's trouble was lack of money. Even if the Bengal Government was not wide awake in this matter, as had been alleged, the Railway Board might come in and construct a Railway Bridge between Howrah and Sealdah.

Mr. HINDLEY, Chief Commissioner of Railways, thanked the Council for the appreciative references to the work of the Railway Board in connection with the separation of Railway finance from general finance. Referring to the remarks of Mr. Bell, Mr. Hindley said that the Government would make every endeavour to spend the 30 crores set apart for rehabilitation of Railways. The improvements had already commenced and would be pushed through as speedily as possible. Regarding the complaint that provision had not been made for construction of yards in Bihar and Orissa collieries, Mr. Hindley referred to the statistics to prove that during the last eight years they had spent altogether nine crores of rupees in improving the facilities in coal fields and very large improvements had been made in marketing yards. Loading of coal during the last few years had been higher than at any time in the history of coal trade and this fact showed that Government had not neglected the matter. Regarding the plea for more powers to be given to Agents and Managers, Mr. Hindley said that decentralisation was the key-note of the work of the Railway Board and their relations with the Agents and Managers but in the present transition period there might be cases which a man in the street might regard as unnecessary interference, but the Agents and other representatives of Railways who were present at the last Railway Conference in Simla never made any complaint on the score of interference even when they were asked to express their grievances.

Referring to Howrah Bridge Mr. Hindley said Calcutta ought not to be halting between two opinions on the question but must take a decision and construct the bridge which would cost six crores which was not a large sum when compared to several crores spent by the Bombay Government in connection with the development schemes. The Government of India was doing its best to offer to Calcutta its assistance but they could not give financial help to construction of Howrah bridge. As regards open wagons for carriage of coal, the Government of India would wait for the report of the Coal Committee before taking any definite decision. The Railway Board was now examining into the possibility of revising a certain of their workshop services on a temporary basis in order to construct coaching stock and provide for greater number of lower class stock and if this was done they would be able to go ahead with their programmes. Coaches were being provided not only in upper classes stock but also in third class stock.

The school at Chaddasi would be to train the subordinate staff on Railways, primarily with the object of improving their efficiency and give them opportunities of understanding their work, which was of a technical character. They would have classes for young officers who would be instructed in all the aspects of train working and transportation working. In addition, probationary traffic officers would be trained at the school and they would get practical training on the Railways as well.

There was no justification for abandoning the present main station of Delhi because a new city was being erected at Raisina. The main station would carry on traffic for many years but as and when traffic in Raisina increased, they would provide new facilities to meet them. They were not providing for those facilities at present in Raisina because there was no need for them now. Facilities would grow with the volume of

passengers' traffic. In any case there was no justification for abandoning the present main station of Delhi.

Sir Charles INNES replying to the debate said there was no idea on the part of the Government of showing any disrespect to or casting slur upon the Council of State by not placing before them the resolution regarding the separation of Railway finance. In matters of this kind which affected both business and financial interests this Council was in a better position to advise the Government than the Legislative Assembly. If the Government did not consult the Council it was because they thought they had got the approval of the Council to the principle of the scheme when they had obtained from four members of this Council who were on the Central Advisory Council their approval to it. Moreover in the budget debate last year several speakers including Sir Maneckjee had supported the principle of the separation of the Railway budget. If the actual details of the scheme had been brought only to the Legislative Assembly it was because that House was the body which had power to sanction expenditure. There was however no intention on the part of the Government to show disrespect to this body. (Applause). Referring to the criticisms about the new policy in regard to branch lines, the Railway Member said the terms were out of date and nobody would come forward with money for financing of these lines on those terms. They had therefore to revise the rules in the direction of greater liberality.

Sir Maneckjee Dadabhy had said that a time might come when Government might not find it possible to raise money for these lines. If that time ever came then the Government of India would be prepared to consider the matter. The new policy was best suited under the circumstances of moment and they could review it from time to time in the light of experiences they would gain. Records of Railway Board were full of applications from local Governments asking for construction of branch lines. The new terms were that if any local Government found it difficult to raise money for the construction of a line which though not remunerative yet was required for administrative reasons then the Government of India would certainly construct the line provided the local Government was prepared to guarantee the interest on their money. This was a simple, business-like proposition and local Governments had given their approval to it and there were several applications for construction under these terms.

Regarding arguments for decentralisation, Mr. Hindley gave full reply, but he (Sir Charles Innes) added that Government did not deprecate healthy criticism of the legislature but did certainly mind questions and resolutions likely to injure the discipline and proper working of Railways. If the legislature took up individual cases like alleged overruns and dismissals etc., then certainly they would paralyse the initiative and efficiency of Railway administration. He was glad to hear from Sir Maneckjee Dadabhy about Indianisation that efficiency must be their watchword. That was what Government was trying to do and it would follow that policy while giving effect to the Lee Commission's recommendations for 75 per cent. Indians in Railway services.

Reduction of third class fare had been urged but reduction of even half a pie would mean a loss of four and a half crores. It would be no use making reduction unless they were able to carry increased traffic.

Concluding Sir Charles Innes said:—"I have no fears for the future of Indian Railways if only the Central Legislature adheres to its propositions and trust the Railway Board and the Government. Then I am confident that as the time comes, Railways will become more and more efficient instrument for trade and commerce." (Applause).

After the speech of Sir Charles the general discussion of the Railway Budget came to an end.

On the 25TH FEBRUARY Mr. Ebrahim Haroon JAFFER moved the first resolution recommending that Local Governments should be directed to include a representative of the travelling public elected by recognised Passenger Associations in the Railway Advisory Committees in provincial headquarters. Mr. Jaffer, in a short speech, reviewed the activities of the Railway Passengers' Protection Society of India which, by representations to the Government of India, brought the local Advisory Committees into existence, and said the demand he now made for the representation of Passengers' Associations was only a necessary corollary. If representatives of Passengers' Associations were appointed, the local Advisory Committee would become more useful.

Mr. Lallubhai Samaldas, who was formerly president of the Bombay Advisory Committee, supported the resolution.

Mr. Kamesan, a member of the Madras Committee, pointed out that on that Committee there was already a representative of the Passengers' Association, whose suggestions were usually attended to.

Mr. Chadwick, Commerce Secretary, opposed the resolution as being unnecessary.

A great deal of latitude, he said, was given at present to the local Committees, which had come into existence only 18 months ago. The Government of India should not so soon tie them as regarded the selection of members. Mr. Haroon Jaffer pressed his resolution, which was rejected.

Haji Chowdhry Mahomed ISMAIL withdrew his resolution for the reduction of Third and Inter-Class fares on the railways to their pre-War level, in view of the general discussion on the Railway Budget the day before.

Mr. Haroon JAFFER then moved for the appointment of an expert committee to consider the advisability of reshaping many of India's most important waterways in order to provide heavy water transport to her innermost doors, security of the land against erosion, reclamation of land and tidal power for electric schemes.

Mr. Ley, Industries Secretary, opposed the resolution which was rejected.

On the 26TH FEBRUARY the Council of State turned down a non-official Bill passed by the Assembly in the teeth of Government opposition. Sir D. P. SARBADHIKARI sponsored Mr. Neogy's Bill to do away with the reservation of Railway compartments for Europeans and Anglo-Indians. He was supported by Mr. Khaparde, while opposed by Sir Maneckjee Dadabhai and Mr. Ismail Chaudhuri.

The proposed change would only impose undue restrictions on Railway companies regarding arrangements for the convenience of passengers. The Bill was rejected.

The Council next passed the Assembly President's Salary Bill.

On the 28TH FEBRUARY before Mr. McWATTERS presented the General Budget in the Council of State the President announced the result of the elections held for the panels of members to sit on various Standing Advisory Committee attached to various departments.

THE FINANCIAL STATEMENT 1925-26.

Mr. McWATTERS then delivered his Budget speech, which lasted 40 minutes. The announcements of the surplus, of the remission of Provincial contributions to Madras, the United Provinces, the Punjab and Burma, and that Bengal would get a further remission of contribution to the extent of Rs. 63 lakhs for the next three years were received with cheers. Mr. Bell and the Raja of Digapathia applauded the statement that the import duty on petrol had been reduced to 4 as a gallon and Mr. Rana Ali and other members showed their appreciation when it was declared that the Islamia College, Peshawar, was among other institutions to receive financial aid. Concluding the Financial Secretary observed :—"We hope the corner has been turned and that we are actually advancing on the road to social progress. Local Governments will now have an opportunity to develop industry, agriculture, education and sanitation and such other services as will lead to enlightenment." (Cheers).

The speech of Mr. McWatters contained numerous figures without any reference to notes and was delivered with such ease and clearness that officials and non-officials joined in warmly congratulating him.

Recruitment to Public Services.

On the 3ND MARCH, after interpellations, Syed RAZA Ali moved that early steps be taken to modify the existing system of recruitment for public services on the following lines :—

(a) A just and adequate share in public services whether recruited by competition or selection should be fixed for the Muslim community.

(b) In case of services recruited by competition particularly, the Indian Civil and Police Services, two lists of successful candidates, one for Non-Muslim candidates and the other for Muslim candidates, should be prepared and from each list as many candidates as there may be vacancies available for the men on that list, should be chosen in the order of merit, and

(c) A minimum standard of qualification should be prescribed and no candidate who fails to satisfy such standard should be selected for appointment.

Mr. Raza Ali said he would not have brought this resolution but for the conviction that it would enable to remove much of unpleasantness that existed between the two communities. This resolution, if passed, would remove the apprehensions of the Mahomedan community as to its future in a self-governing India. It was the duty of non-Muslims to support this resolution and satisfy the Muslims, just as it was the duty of Muslims to assure their Hindu friends that in their relation with their co-religionists in foreign countries, they would place the interests of India first and communal considera-

tions met. Mr. Raza Ali then reviewed the history of the Muslim demand. When Lord Minto was Viceroy an influential deputation consisting of representative Muslims in India represented their grievances and separate representation was created in the Minto-Morley Reforms. This set Muslim fears at rest for some time. Had it not been for the Lucknow Pact of 1916, Mussalmans would not have helped to bring the Reforms Scheme into existence. The principle of this pact was separate representation in legislative bodies. But as regards services, the first commission appointed was in 1886 and the question which he (Mr. Raza Ali) raised even then for the commission stated that by open competition they would be only excluding some important classes of India and give undue benefit to other communities, especially the Hindus who had an earlier start in University education. The same question figured again in the deliberations of the Islington commission which also made similar observations as regards the effect of unrestricted competitive examination. But unfortunately the conditions which existed in 1912 obtained even to-day. Since the examination for recruitment for the I.C.S. had been held in India, not a single Mahomedan had been appointed. This was the result of the operation of the competitive principle. He at the same time admitted that the position was not so bad in the Imperial Police Service where Government had exercised their power of nomination more liberally. Unless they fixed a certain standard for Muslims that community would go unrepresented in the services. Fortunately, this principle was in force in the United Provinces. Dr. Paranjpye in his presidential address at the last Lucknow session of the Liberal Federation endorsed the introduction of certain minimum percentage in order to see that backward communities did not suffer in competition. The Legislative Assembly had discussed this question several times. On one occasion Sir Malcolm Hailey, in accepting a resolution in an amended form declared that the Government would see to prevent preponderance of any one class or community in the services under the direct control of the Government of India and there would be no overweighing of one province or community. Not only the Government but also public men in India stood committed to adequate representation of minority interests. The position in the Imperial Services was far from satisfactory and efforts must be made to redress the grievances of Muslims.

Sir Alexander MUDDIMAN on behalf of the Government made an important announcement and at the same time expressed inability to accept the resolution. He admitted this was the most important subject, because, whatever their Government might be in future, the services which were the hands of the Government must be efficient and nothing could be done to impair them. When he referred to the services, he referred to both Europeans and Indians, who had set an admirable example of integrity and public spirit. Now that the Lee Commission's recommendations had been accepted, it was natural that there should be anxiety in some quarters about the effect of the changes. The Government of India, in giving effect to their policy, remark that the Indian element in all grades and branches of administration must rely primarily on their measures for recruitment. What was offered to the new recruit, whether Indian, European or whatever race, was a career open to talent and once admitted to public services, his fortunes lay in his own hands. He must not rely for advancement on favour or favouritism, but on his own industry, energy and capacity. Promotion must go by merit and selection for posts requiring special qualifications must be determined by strict regard for the necessary qualifications and general public interest. As regards the existing members in the services, Sir Alexander Muddiman made it clear that Indianisation would not be by the door of supersession.

Proceeding, the Home Member said it was clear that the Government should not rush to make changes in the system of recruitment; but there was no doubt that the standard of efficiency must be maintained. That was the principle from which they could not depart. Sir Malcolm Hailey had made it clear in the Assembly in the debate on a similar resolution that in making new recruitment in the services under the control of the Government of India, steps would be taken to secure that the services were not unduly over-weighted with representatives of any one community or province, and as far as possible, the claims of the communities would be considered. In the competitive examination held in Allahabad in 1923 and 1924, 45 Indian candidates were successful, but there was no Mahomedan. But the Government exercised their power of nomination and out of eight candidates appointed under the process three were Mahomedans. In the Police service also out of 27 candidates successful in the competitive examination in 1923 and 1925 eight were Mahomedans; but under nomination two Mahomedans were taken. The results of the examination did call for reflection. The position at present was summed up in the absolutely unexceptionable formula accepted by the Assembly although it was negatively worked; but the trouble lay in applying that formula and he did not see how

they could prevent over-weighting of one community as the decision was in the hands of those who applied for admission; but there must be a general list and not a separate list and what was more important than the test of examination was the test of character.

Continuing Sir Alexander said:—"I admit there is need for adequate representation of the minority communities; but we cannot impair efficiency of the services by admitting persons not qualified. We do contemplate extension of the present arrangement to secure representation of the minority interests provided there is adequate qualification. At present, we reserve one-third of the vacancies in the I.C.S. which will be filled by direct recruitment in India. To redress inequalities we propose in future to reserve one-third of the whole of Indian recruitment. We shall, as in the past, normally appoint officers by observing the results of competitive examinations. If the results are satisfactory, we shall be in no difficulty. If not, we shall resort to the process of nomination. We shall nominate as far as possible to those vacancies candidates who sat for the competitive examination and attained the adequate standard. If there are no such candidates we may have to adopt other means of obtaining them. If we cannot obtain candidates with adequate qualification we shall not appoint them. Regarding the other three All-India services (Police, Engineering and Forest), we shall similarly reserve one-third of the total vacancies (applies). Concluding the Home Member pointed out that the statement he had made must go far towards meeting the wishes of Mr. Ram Ali and advised him to withdraw the resolution.

On the 3RD MARCH the Council of State passed without discussion the Cantonments Act Amendment Bill as passed by the Assembly.

On the motion of Mr. Orerar the House agreed to a small verbal alteration in the Bill to amend the Prisons Act as passed by the Assembly.

The Council agreed to the changes made by the Assembly to the Obscene Publications Bill. Sir Maneckjee Dadabhoj maintained that the changes made by the Assembly were superfluous but it had become the fashion of the Assembly not to accept any Bill passed by this House without some change or other. He did not, however, like to oppose these unnecessary changes because that would necessitate a joint session of both the House.

Restriction of Opium to Medical Consumption.

On the 4TH MARCH, in the Council of State, Sir Devaprased BARBADHIKARI moved that early steps be taken to see that as far as possible only medicinal use of opium should be countenanced in India and that the Government should confer with representatives of all sections of the people as to how restriction to medicinal use could be carried out in practice.

The mover said that this question had assumed an acute form as a result of the Geneva Conference. He did not wish to challenge the whole of the opium policy of the Government but to deal with the restriction of actual consumption as far as possible to medical needs. Mr. Campbell, India's representative at the Geneva Conference, made a reservation when he said that the Government of India could not consent to restrict the cultivation of opium to medical and scientific requirements because in India the drug could not be thus restricted without great hardship. It was this statement to which he (Sir Devaprased) objected because it was precisely what was contained in Lord Hardinge's despatch of 1911 and which had now become the *locus classicus* of the Government of India on the subject. In that despatch it was stated: "Non-medical uses are so interwoven with medical uses that it is not possible to draw a distinction between them. It is not necessary that the growth of the poppy and the manufacture and sale of opium should be prohibited except for medical purposes. Whatever may be the case in other countries, centuries of experience have taught the people of India discretion in the use of the drug and its misuse is a negligible feature in Indian life."

Mr. McWATTERS, on behalf of the Government opposed the resolution as being unnecessary and detailed the steps which the Government were taking in the direction desired. Speaking on the external aspect of the question, Mr. McWatters pointed out that the Government had by the agreement of 1911 prohibited the export of opium to China, but there had been a recrudescence of opium cultivation in China itself, with the result that opium was grown more in China than perhaps in any other part of the world. The Government of India then restricted the export of Indian opium to other Far Eastern markets. The effect of this restriction was that instead of 42,600 chests yielding Rs. 8 crores revenue in 1910, there was the sale of only 7,500 chests yielding Rs. 1,51,00,000 in the current year. Then, as a result of the Hague Convention, India adopted a system by which no opium was exported except under licence of the Government of the importing country. The Government were endeavouring to carry out this policy and the Govern-

ment would not be influenced by any financial considerations. Should any country wish to reduce the consumption and eradicate the evil the Government of India would not say so.

The resolution was lost without a division.

Life Assurance Claims.

Mr. SETHNA then introduced his Bill to amend the Succession Certificate Act, 1889, and in moving that it be referred to a Joint Committee of the Council and the Assembly of twelve members explained that its object was to incorporate a provision whereby any claimant to life assurance policy monies would be compelled to apply for a succession certificate in proof of his title. Difficulty had been experienced, he said, by reason of subordinate courts (in Bengal for instance) having held that a certificate was not necessary in certain cases. The certificate would be issued at a small cost to the claimant and the claim would be immediately settled. All life assurance companies, whether Indian or non-Indian with their head offices in India or elsewhere, could not but favour this Bill because of the help it would extend to them. If such a provision as that contemplated in the Bill was not expressly contained in the Act, life assurance companies stood the risk of having to pay a claim twice over, should it be proved subsequently that the title they first accepted was at all erroneous. It had been suggested by some lawyers that if it was provided that the word "debt" in the Act already in existence were stated to include moneys payable upon the death of a person under a policy of life assurance, then the position could be met. If the proposed Committee was of that opinion, he had no objection to its being considered.

Mr. CRERAR, on behalf of the Government, accepted the reference of the Bill to a Joint Committee. The Government, he said, fully appreciated the points mentioned by Mr. Nathan. It was desirable that Local Governments should be given an opportunity to express their opinion and to ascertain public opinion on the merits of the Bill. If the Bill was referred to a Joint Committee the Government of India would, by executive order, obtain the opinion of Local Governments and High Courts.

The motion for reference of the Bill to a Joint Committee was then accepted.

On the motion of Mr. CRERAR the Indian Prisons Bill, giving effect to certain recommendations of the Jail Committee, was passed.

General Discussion of the Budget

SIMLA—5TH MARCH 1925.

On the 5TH MARCH, the business of the Council of State was confined to the general discussion of the budget. Sir Umar HAYAT KHAN was the first to speak on the Budget. He congratulated the Finance Member on the surplus budget. He thanked the Government for the reduction in provincial contributions and for the pronouncement regarding Muslims in the services. The Muslims did not want any reform or any Government in which their votes might be drowned. He urged that the money reduced in provincial contributions should be set apart for sanitation and education.

The Hon'ble Mr. SETHNA congratulated Sir Basil Blackett for turning the corner after five successive deficit years and launching India again into surpluses. It was high time that this result was attained particularly because of the increase of several crores of rupees in taxation since the date of the reforms. He hoped that Sir Basil was correct in his assumption that exchange would not go lower than one shilling six pence, and that the Government would do all in their power to prevent its going lower. This assumption was strengthened by their proposal relating to the ways and means where a reduction of cash balance in London by 179 crores was proposed.

Mr. Sethna, dealing with exchange, said the Indian Merchants Chamber and Bureau, of which he was the President, did not see eye to eye with the Finance Member and invited him to visit the Bureau on his way to England so that they might have an opportunity of meeting his arguments. India might not be the heaviest taxed country in the world, but taking into account its poverty India could not by any means be said to be lightly taxed. Then again there was the dread of the recommendations of the Taxation Committee now sitting and Mr. Sethna asked his Committee to take note of the unanimous conclusions of the Royal Commission in regard to taxation in New Zealand.

After thanking the Commander-in-Chief for reducing the Military expenditure, Mr. Sethna complained that in the Budget Bengal had been unduly favoured and this partiality of Sir Basil towards Bengal might be due to the fact that he first saw the light of day in Calcutta. But this partiality was beyond comprehension when the Government of India did not know whether there would be surpluses in the next two years or not. Bombay had been treated as a step-child although like Bengal she had been clamouring for revision of the Meeson settlement under which the Nation-building departments were practically arrested for want of funds. Bombay was an industrial province and in a normal year the amount of Income tax and Super tax collected in it was about one third of the total of the whole of India under that head. A fair percentage of this collection, Mr. Sethna claimed, was urgently needed for Bombay to enable the Transferred Departments to progress as they ought to. If more cotton mills of Bombay had not gone to the walls than now, it was because they laid by reserves during the boom period; but now so heavy were their losses that Mr. Sethna feared that the Income tax and Super tax revenue from the Bombay Presidency must drop by far more than a crore of rupees from the average in a normal year.

If Bombay was left in the cold in the matter of relief in provincial contribution, it had fared worse still on the subject of cotton excise. This duty was an obnoxious one and one of the greatest wrongs done to this country under British administration and was a standing blot on their financial policy. While relief was being afforded from the surplus to some of the provinces in their contribution and also to the services in higher pay and emoluments in accordance with the Lee Commission's recommendations, against the wishes of the people, the Finance Member did not choose to make even a passing reference to this most vexatious tax.

Mr. Sethna proceeding criticised the policy of the Government in writing off so large a sum as 138 crores made up of 82 lakhs, being discount charges on the 1923 loan and 541 crores of loans and advances to the Persian Government. This policy, he said, was contrary to what Sir Basil Blackett himself advocated a year ago. The sum of 541 crores was entirely the look-out to be repaid by them and it must therefore be struck off from India's suspense account. He mentioned these items with a view to show that if only the Government had had the will, it could have easily repealed the Cotton Excise duty and earned the gratitude of the nation and removed the suspicion that the duty was continued to help Lancashire at India's expense. If the Labour Government had been now in power, they would have done justice to India in this respect. Possibly opposition to the removal of this duty at present might have come from the present Conservative Government. In this connection Mr. Sethna suggested to His Excellency Lord Reading to discuss this point with the Secretary of State when he would be in England on leave.

Mr. Sethna regretted that the Government had not reduced the Customs duty on motor car in spite of a universal desire to that effect. Motors were not a luxury, but a necessity and Mr. Sethna quoted the views of the Chairman of the Trades Association delivered in Calcutta sometime ago. The speaker objected to the tax not being levied on the importation of silk, matches, etc., in the Indian States that had an opening to the sea and which passed them on to British India dishonestly. The continuation of higher postal rates was a misfortune.

Concluding, Mr. Sethna referred to the Government proposal to refund duty to certain provincial Governments in respect of the purchase of stores by those Governments outside India and urged on the Government the necessity of consolidation of Stores rules involving a deliberate policy to secure the Indian Industries a fair chance of success.

Sir Maneekjee DADABHOY congratulated the Finance Member for presenting a surplus Budget, but the surplus had been achieved after a succession of years, in which heavy taxations were imposed. Except the fact that customs revenue had increased by 2.73 crores, there had not been a general response in the matter of trade as anticipated by the Finance Member. The Textile Industry was still passing through a critical period and was living on its resources. If the situation continued, he feared a terrible crisis might result in India. The surplus of 3.24 crores presented by the Finance Member, did not represent the true position. It had been arrived at by making important modifications in the financial policy of the Government. He failed to understand the expediency of the policy of writing off eighty-two lakhs, being discount charges of 1923 loan and 541 crores of loans and advances to the Persian Government. This figure added to 3.24 crores of surplus, brought the total figure up to seven crores. The Government of India ought to have utilised this amount not only to remission of Provincial contributions, but also to removing certain imposts which were regarded by the country as wholly unjust. He did not grudge the remission of contributions to Madras, United

Provinces, Punjab and Barma, and even to Bengal, because it was the policy of the Government to work gradually to the extinction of the contributions, but it was the usual practice when a surplus occurred that the general tax-payer must get the advantage in the shape of a reduction of tax. There, however, appeared to be no hope for it this year, nor in the coming three years, if the policy of the Government was not to afford relief to the general tax-payer till the Provincial contributions were wiped off. Then it was a policy that was open to serious objection not only in this House but also in the country at large. He did not see why 78 lakhs should be kept in reserve while the estimate of the revenue for the next year had been placed on the most cautious estimate and while the Government had already kept up their sleeves a surplus of 4.25. The country had a right to get back this money in the form of some relief to the general tax-payer. A surplus of 73 lakhs against possible disappointments was not justified and if the time came for reapportionment of this sum a very large portion of it should go to Bombay which had a superior claim. As one who had signed the majority report of the Fiscal Commission, Sir Maneekjee Dadabhy supported the claim for reduction, if not immediate abolition of Cotton Excise Duty which was promised by Lord Hardinge. He was glad that a sum of 4.78 crores had been provided for reduction or avoidance of public audit. This policy would raise the credit of India in the world. He was sorry that there had been ill-conceived opposition in the Assembly to this policy, but he assured Sir Basil Blackett of the support of this Council in this matter. Sir Maneekjee Dadabhy complained that super-tax had been kept very high and in this connection promised the Finance Member support of this Council to any measure to prevent evasion of the tax. The super-tax had alienated the commercial community of India including the Marwari community from the Government. It was destructive of industrial initiative and enterprise, "This Assembly, constituted as it is of Swarajists, might be reluctant to reduce this tax now because it is anxious to create differences between the Government and the commercial community; but as a friend of the Government let me tell you that the present policy is a ruinous one. Before concluding, let me thank the Commander-in-Chief for reducing Military expenditure and hope that he will see his way to bring down the figure to what the Inchaape Committee had recommended, namely, 50 crores."

Mr. BELL congratulated the Finance Member on the favourable budget and congratulated particularly Mr. McWatters on the extraordinary grasp of details of the financial position when he lucidly explained all obscure points in presenting the budget. Mr. Bell took no exception to the writing off of 82 lakhs being discount charges on 1923 loan and 341 lakhs being amount of advances made to the Persian Government, because this was obviously a desirable procedure in each case. The first was a liability which they knew about, but the second was a liability of which they had no knowledge. It had been hanging over their heads, but came as a shock with the result that more than half of the real surplus of a good financial year had been wiped out in meeting it. But this House was entitled to know from the Finance Member whether there were other such sums for which provision might have to be made in future budgets. Referring to customs figures, Mr. Bell pointed out that the protective duties imposed last year had imposed on the country a burden of 2 and a one-fourth crores. This was only a part of the burden and who would have to bear the greater portion of it was known to all. As regards exchange, Mr. Bell said the more optimistic view of the Finance Member last year had been justified. He did not wish to refer too often to the policy of protection as a result of which a certain Act was passed last June, but this Council would observe that within a few months of passing of Steel protection Act a further burden had been placed on the shoulders of the public and that before the end of the current month a sum of sixty-two lakhs would have been paid in bounties and that was not the end of it by any means. Now that the storm raised over the recommendations of the Lee Commission had passed over and further time given for reflection, Mr. Bell did not think there was any member of this House who did not feel gratified that it had been possible to include in the revised figures for the current year provision to the extent of 25 lakhs towards pay, pension and concessions to superior services and that their claims had been met to some extent. The provision for avoidance of public debt was not one that would impose a very serious annual burden on the finances of the country. As regards Military expenditure Mr. Bell said that no country with great responsibilities could afford to take great risks and trusted that in their anxiety to effect every possible reduction, the Government would not be tempted to sacrifice efficiency to economy. Here Mr. Bell thanked the Government for passage concessions to officers of superior civil services granted in terms of the recommendations made by the Lee Commission. Continuing Mr. Bell assured Government that Bengal would be very grateful for further remission of provincial contributions for three years. Bengal also rejoiced in no grudging spirit to find that it had been possible to announce substantial

reductions in contributions of Madras, United Provinces, Punjab and Burma. They trusted that in not too distant future these Provincial contributions would be entirely and permanently cancelled, because they recognised that until this was done it would not in the first place be possible for provinces financially embarrassed as they were to develop along their own lines or in the second place for the Government to turn their attention to reduction of other taxation which was at present seriously hampering development of the country.

Sir Devaprased SARBADHIKARI said the discussion in the Council on the Budget reminded him of the discussion in the Councils of pre Minto Morley days, because the Finance Bill was now framed on the basis of discussion in the Assembly and this Council was powerless to do anything in the matter. He did not think that there was any immediate necessity for providing for redemption of debt because there was salt duty which still stood at the certificated level and postal rates had to be reduced. Touching Provincial contributions Sir Devaprased said that what Bengal got was only bare justice but at the same time he put in a plea for revision of the Weston award. As regards Military expenditure he supported the observations of Mr. Natesan and took Sir Umar Hayat Khan to task for his remarks about a National Army. What the Council wanted was that the Army should be national in the real and larger sense of the term.

Mr. Ramaswamiyas :—How many years should it take?

Sir Devaprased :—“I do not think any honest soldier thinks that it will take a thousand years. Let there be not one Dehra Dun College, but ten, because military education is one of the essential factors of nation building. My complaint is that more provision had not been made for military education. Reference has been made to Sir B. N. Mitra's and Lord Rawlinson's mission to England in connection with the settlement of the War Office claims. We must be thankful for what has been done by them; but my regret is that a great deal more could not be done. One cannot fail to recognise the immense services of Sir B. N. Mitra and I am glad recognition of it came from the Government, when they select him for the post of Executive Councillor, and I hope that in that Council he will not get spoiled”. (Laughter)

H. E. Lord RAWLINSON said that the reasons for reduction in Military Expenditure were largely due to the strict economy instituted by the assistance of the Income-tax Committee and to the return of normal times compared with what was obtained some five years ago. Mr. Natesan had referred to the feeling of suspicion that existed throughout the country with regard to the intentions and policy of the Government on Military expenditure. There was no denying that suspicion existed and it was one of the greatest difficulties which he and the Government had to overcome. He doubted whether they would ever overcome that suspicion. After all, they were all suspicious when their interests were in the hands of somebody else, those actual motives and desires they did not quite understand. It was only human nature that there must be some suspicion as to whether their immediate interests would be pushed in the direction they all desired. There was nothing that he could say, that would eliminate and overcome the whole of that suspicion. The Government of India had done their best and would continue to do their best to overcome that suspicion and to deserve a little more confidence; but he could not say when they would be ever able to entirely overcome that doubt. Reference had been made to the visit of himself and Sir B. N. Mitra to London in connection with disputes with the War Office. Here again, there was suspicion that the interests of India were not perhaps being pushed with the strength that they might have been. Sir B. N. Mitra and he himself had fought hard on this matter before the higher authorities, who would not do everything in their favour, but the results they were able to achieve would mature to the benefit of India at no distant date.

Mr. Lalubhai SAMALDAS said that, though they had their differences with Sir Basil Blackett, he felt that the Budget showed they had a sincere cause for congratulation. The speaker drew the attention of the Finance Member to the feelings expressed by Lord Curzon for State aid to Indian Industries. A special responsibility lay on the Government to raise the country industrially. The claim of the most important industry should not, therefore, have been neglected and the Cotton Excise Duty should have been remitted. He said that India had enough of communal jealousies and deprecated the introduction of Provincial jealousies. He pointed out that, while Sir Basil Blackett had himself laid down a year ago that payments of discount on loans were spread over a number of years, he had himself this year gone back on that principle by providing paying off discount in a lump sum. He said that the Finance Member the day before took objection to the remarks that he had shown sympathy to Calcutta and antipathy to Bombay. The speaker did not question the Finance Member's motive, but pressed with

equal force that Bombay's view was also put forward in the interest of the whole of India and that Sir Basil Blackett had unnecessarily emphasised in his Budget speech that Bombay was promising revelation of exchange solely in her interest.

Sir S. R. M. M. Annamalai CHETTIAR said that it was a very interesting Budget because of the separation of Railway from General Budget. He said that the general taxpayer had the first claim to the surplus and that the Mellon award was unjust because it led to heavier burden on some Province than on the other. It was a matter of gratification that the military expenditure was reduced and he appealed to the Commander-in-Chief to effect further reduction so that money so saved might be spent on nation-building departments. He said lack of funds in his Province had stood in the way of education and sanitation and felt grateful to the Finance Member for partial relief given by reduction of Provincial contribution. He concluded by saying that the era of deficits was over and the era of hope and progress was ahead.

Sir Basil BLACKETT thanked the House for the shower of congratulations which would encourage him, and the Finance Department to continue to do their best. He agreed with the last speaker as to the paramount need for the development of agriculture. By reducing provincial contributions the Government was precisely doing the same and was helping the provincial Governments to push forward their programme in respect of nation-building department. The Finance Member then began to calculate that if he were to accept the suggestions made by the various members of the House to reduce taxation then he would find himself on the wrong side to the extent of 20 crores instead of having his surplus of 75 lakhs.

Sir Basil Blackett referred to the suggestion of Sir Maneekji Dadabhai that the realised surplus of over 4 crores in 1923-24 should have been used to take off the cotton excise duty and super tax. He could have done so because the surplus was not recurring, and he could not utilise it for giving up recurring sources of taxation. The answer was so simple. Instead of using the surplus of four crores for reduction of the debt, he had used 80 lakhs out of it to pay off discount of the Loan, and 341 lakhs in respect of loan to the Persian Government. By paying off 80 lakhs in a lump sum he had increased the surplus of the year by four and half lakhs, and had relieved the Finance of a similar obligation for a number of years.

As for the provision for 341 lakhs he did not agree with Mr. Bell that it had been disclosed for the first time. It had appeared as an outstanding amount in the accounts of the Secretary of State. It has been shown in the audit report of the Home Auditor. Of course it had not hitherto drawn the attention of the members. The liability which was covered by 341 lakhs was without dispute, and was incurred more than nine years ago, and the reasons for it had now become a matter of history. There was of course a dispute about the expenditure incurred in East Persia which the Government of India had refused to recognise as their liability, while the War Office had always claimed that India shared the liability. India's point of view was forcefully represented by Lord Rawlinson, the Commander-in-Chief and Sir E. N. Mitrani in England recently. As a result of that, new proposals were under consideration, and soon they hoped to come to an agreement. He assured Mr. Bell that the liability would not be very heavy, that the current year's surplus would be enough to meet it. India also had claims against the War Office and on the whole they did not know which side the final balance would go.

The Finance Member then dealt with the question of Cotton Excise Duty. He admitted that Lord Hardinge gave a pledge that the duty would be removed as soon as financial considerations permitted it. Of course this pledge was given in 1915 when the Provincial contributions formed no part of the central revenue. Logically therefore so long as the provincial contribution remained they could not say that they had a surplus and could not devote their attention to reducing the central taxation. Some members had referred to the fact that he was keeping 74 lakhs as too big a surplus against contingencies and misadventure. The Finance Member explained that out of this only 18 lakhs surplus was recurring, which could be available for either further reduction in the contribution or in taxation, but he asked if the House thought that 18 lakhs was a big surplus to carry with them against unforeseen contingencies. By asking him to reduce the Cotton Excise Duty on the basis of the non-recurring surplus they were really putting his balance on the wrong side. Next year he would however assure the House that the Government of India have every intention of fulfilling the pledge in respect of the Cotton Excise Duty (applause) but the time had not yet arrived. They must admit that the claims of the provinces were prior and supposing the Cotton Excise Duty were now abolished, it would only postpone the day when the contribution of the Bombay

Government would be reduced and remitted and the question of the Weston award would be reopened.

The Finance Member assured Mr. Lallubhai Samaldas that the speaker's remarks about Bombay in his Budget did not question the sincerity of Bombay in holding the opinion about the Exchange honestly. Only Bombay appeared to have paid lesser attention to the interests of India as a whole. He reminded Mr. Lallubhai that Bombay had never minced words in vigorously attacking the Finance Department of the Government of India. (Laughter.)

Sir Basil Blackett next replied to the various suggestions made. He said the remission of kerosene duty would mean considerable loss to the revenue. On the other hand reduction in petrol duty might bring in an increased revenue. He admitted that the super-tax diminished savings, and that its remission would help the trade by cheapening money. Similarly high tax on motors was hindering full development of a useful form of transportation. He mentioned that commercial cars did not pay 80 per cent duty, but only private cars were so charged. The Government could not, however, indulge yet in the luxury of taking off these taxes. There were other forms of taxes, which weighed heavily on the poor. He did not want to draw a distinction between the rich and the poor and admitted that the industrial and agricultural development of India was retarded by high taxation. They were not, however, within sight of early action in the direction of reduction in taxation. Concluding Sir Basil Blackett again defended the debt redemption scheme and warned those who wanted to raid it partly that they would be making India pay the same amount by way of interest that they were now paying in the sinking fund.

Thus the Budget discussion came to an end and the Council adjourned for a week.

On the 12TH MARCH, the Council of State reassembling, on the motion of the Commander-in-Chief the Cantonments House Accommodation Act Amendment Bill as passed by the Legislative Assembly was passed.

Haj Pilgrims Bill.

Sir Mahomed HABIBULLAH, moved the consideration of the Haj Pilgrims Bill, as passed by the Assembly. He regarded it as a humanitarian piece of legislation. He related the inconvenience and discomfort to which pilgrims were put in the course of their tours. Either public funds had to come to the rescue to repatriate destitute Moslems to India, or private charities had to be tapped for the same purpose. That state of affairs should be ended. There was no question of mending it. The present age of destitution had been increasing during the last few years, and in 1924 it became necessary for the Government to introduce an experimental system of demanding the deposit of return tickets in the case of every pilgrim intending to go to the Hedjas. The result was that the percentage appreciably decreased. But when it was remembered that there was still an element of option in that system, it was not possible to eradicate the evil altogether. It was not fair to the general tax-payer that the Government of India should be called upon to shoulder the financial responsibility incidental to the repatriation of a large number of pilgrims who went without means to return to their homes. In 1921 the Government had to spend Rs. 40,000, in 1923-24 the expenditure was Rs. 35,000. It therefore became necessary to devise means for suppressing the evil. The Dutch East Indies and Malaya, both of which contributed 42 per cent. of the pilgrims every year, had introduced a compulsory return ticket system.

The Bill was passed without opposition.

Mr. CHADWICK moved the consideration of the Cotton Ginning and Pressing Bill as passed by the Assembly. The Bill was passed without any opposition.

Frontier Committee Report.

Syed RAZA ALI moved a resolution urging the Government to give effect at an early date to the Frontier Committee Report. He referred to the events which led to the appointment of the Committee. That Committee examined 23 official witnesses, 18 of whom were European officers. The non-official Indian witnesses examined numbered 76, of whom 33 were Hindus, the rest being Mussalmans. The widest publicity was given to the proceedings of the Committee, which attracted even the non-co-operators, who tendered their evidence. It was unfortunate that the report of the Committee was not unanimous. Messrs. Rangaobhar and Samarth had drawn up their own separate report, but that did not affect the question contained in his resolution. The main question before the Committee was whether it was expedient to separate the unadministered tracts from the five Settled Districts of the Frontier and if so, whether those five Settled Districts

could be reamalgamated with the Panjab, as it was before 1900 when they were dismembered from the Panjab, and if separation was not expedient and amalgamation with the Panjab impossible, what administrative reforms were necessary.

The Majority section of the Committee had, in view of the intimate relations that existed between the people of the cis-border and trans-border areas, come to the conclusion that separation of the tracts was impossible. Expert opinion on the question was wide and voluminous. When separation of the Settled Districts from the adjoining areas was considered impossible, the Majority consequently ruled out the amalgamation of the Settled Districts with the Panjab. The Majority then proceeded to make liberal recommendations for the administration of the frontier districts. They suggested the establishment of a legislation therein and the appointment of an Executive Council and a Minister. It was proposed to give Hindus double their share of representation in the Council on the lines of the Congress-League Pact of 1916. The Majority further recommended the appointment of an Additional Judicial Commissioner and suggested a drastic curtailment of the Frontier Crimes Regulation. Such were the liberal recommendations by the Committee, which Mr. Raza Ali consented should be given effect to without any delay, because the people of the Frontier were getting impatient at not having obtained any kind of reforms along with the rest of India in 1919.

Subsequently, after a long debate, the solution was withdrawn.

Savings Bank Interest on Mahomedan Deposits.

Mr. Haroon JAFFER moved that the Government should keep a separate account of the interest payable by the Government on deposit accounts in the Post Office savings banks opened by Mahomedan depositors who, owing to their religious belief, had made a request that no interest should be credited to them, and that that sum should be set aside as a special fund, to which also any interest on Government Securities foregone by Mahomedan holders under similar circumstances should be credited. It was proposed that that fund should be utilised in awarding scholarships to poor Mahomedan students in the Moslem University at Aligarh. There were several Mahomedans who refused to take interest through religious scruples on loans and deposits in banks. Whatever the origin or justification of the idea the effect could not be ignored that some Mahomedans considered it a meritorious deed enjoined by religion to forego interest. They kept money in banks only for safe custody, and they invested in Government Securities as a means of providing safety for their savings. If education was to spread among Mahomedans, the vast majority of whom were very poor and backward, then the suggestion should be adopted. The Government could not have any objection to utilising the money for that noble cause. It was not their money, but the money of the Mahomedan depositors. It was not difficult to devise machinery for awarding and distributing the proposed scholarships.

Haji Ismail Choudhry, Khan Sahib Aman Ali and Mr. Yamin Khan supported the resolution. They said it was a laudable object and the Moslem community were in favour of the resolution.

Mr. McWATTERS explained what he called the non-committal attitude of the Government. He said that in the savings banks the Mahomedans had at present Rs. 8 and half lakhs bearing interest at about Rs. 10,000. There would be no difficulty in keeping a separate account of that for whatever object that would be decided upon. Regarding cash certificates also, there would be no difficulty. But the trouble was in Government securities, which were transferable. If the community favoured the proposal of Mr. Jaffer, then Government would have to introduce a system by which all Mahomedan investors in Government securities would have to take a non-transferable deposit receipt. But the other difficulty was that those who would part with their interest might insist on other charitable objects. Unless, therefore, the Government felt sure that the Mahomedan opinion was more or less unanimous, it would be difficult for them to proceed on the lines suggested in the resolution.

Sir Devaprased SARBADHIKARI supported the resolution, and asked the Government to accept it and then decide, in consultation with the Moslems, upon what form the money should be spent.

The Finance Bill.

On the 20TH MARCH the Finance Bill as passed by the Legislative Assembly came up for consideration in the Council of State. Large number of members of the Assembly were present in the galleries.

Mr. McWATTERS, Finance Secretary, in moving for the consideration of the Finance Bill, explained the chief features. While a year ago the Government hoped on the existing basis of taxation to balance their budget, this year they were in a position if the Bill was passed, in the form they desired, i.e. if the Salt Tax was restored to make the first and substantial reduction in provincial contributions. He referred to the reduction in Petrol duty and justified it on the ground that the 15 lakhs loss that would be incurred could be made up by the increased revenue expected in the long run by increase in the import of motor cars and lorries and motor accessories. He also justified the provision for Paper Currency Reserve as justified in the present circumstances. As regards the Salt duty he would move an amendment to restore it to one rupee and four annas per maund. If this was not restored, there would be loss to revenue of about 125 lakhs.

Mr. V. RAMADASS opposed the consideration of the Finance Bill on the ground that Government had forfeited the confidence of the people of this country and were neither responsive nor responsible in any form. There was no element of responsible legislature, and whatever might the representatives of the people demand, the Executive could ignore them lightly and, indeed, whatever cuts were proposed by the representatives in the popular chamber (Assembly) and whatever reductions in expenditure were proposed were either restored or certified by the Governor-General. Where then was the element of responsibility in the Central Government? It was no use in deluding themselves and in deluding the people that this Government was based on the popular will, because neither in theory nor in practice was there responsibility. This was the view not only of the Swarajists, but of also the Independents as evidenced by the rejection of allowances for members of the Executive Councillors. The moment that motion was carried in the Assembly, the members of the Executive Council, particularly the Indian members, ought to have resigned their seats, because they were on the Executive Council, not merely to carry on the administration of Government, but to voice the popular view. There could be no better means of voicing that view than by resigning their seats after the vote of censure was carried. They would have thus established a convention where none existed.

Proceeding, Mr. Ramadass referred to the policy of the Government on the question of the Reforms when the President said, that he would not allow a general discussion of the Reforms or general policy of the Government on a motion for consideration of the Finance Bill. The members would be in order on such a motion to criticise the financial policy of the Government. Beyond that the President would not allow any other subject.

Mr. Ramadass drew the attention of the President to the fact that in the lower house, the President allowed a discussion of the general policy of the Government and on the Reforms when a similar motion for consideration of the Finance Bill was made. He appealed to the President to admit discussion with a view to clarify the situation.

After a few seconds Mr. Ramadass said, that if the President was to stick to his ruling, then he was obliged to confine his observation to financial policy. Mr. Ramadass then referred to military expenditure and complained that the Legislature had no hand in framing the budget. There was no need to provide for debt redemption at a time when the credit of the Government of India was high. There was need for reducing the postal rates, the duty on kerosene oil and salt tax and not provide prematurely for paying up money borrowed for productive capital. The whole position turned on the fact that the Government of India was not based on popular will. Let the Executive do as they please. It was the duty of those elected by the people to refuse to consider the Bill.

Sir Narasimha SARMA, leader of the House, vigorously challenged the statement of Mr. Ramadass that the Government of India did not enjoy the confidence of the people of this country. So many half-truths and untruths and mischievous misrepresentations had been made both here and in the interests of the general well-being of the people that the Government ought not to allow the challenge of that description to go unanswered. He regretted to find that Mr. Ramadass and his friends had adopted an attitude which if persisted would only lead to disaster. As a senior member of the Government he wanted to explain the progress made in India during the last five years to show that far from deserving a vote of censure they deserved a vote of confidence. They deserved the recognition of sympathy and satisfaction, if not gratitude.

When Sir Narasimha SARMA proceeded to detail the achievements of the Government, Mr. Ramadass asked the President to state if, when he had ruled out a discussion of the general policy of the Government in any particular, the leader of the House could dwell upon the achievements of the Government.

President: I was awaiting to see if the leader of the House did intend to refer to any specifications of the Government in detail. I shall be obliged if the leader of the House confines himself to the general aspect and not make any detailed references except on the financial policy of the Government.

Sir Ramaswami SARMMA said that he did not want to deviate from the ruling of the chair. He contended that financially the Government had inherited a very difficult situation in 1920 but they had been able to overcome and present a satisfactory budget. It would be seen

that the Government was unshaken as a result of the war and the influenza epidemic. The Government had at such a time to meet Treasury Bills to a large amount and there were also at the time external disturbances requiring additional expenditure. But the Government with the assistance, the loyal assistance and co-operation of both the Houses of the Legislature, were able to face the situation. Were we to embark on a policy of retrenchment? True, the military expenditure was large and that if money was required for development purposes the military expenditure should be reduced. As a result of their policy the Government have been able to maintain cordial relations on the Frontier. They had established the Chamber of Princes and made other changes which brought the Indian States under the direct control of the Government of India. These would in course of time make possible for the constitution of a federal Government.

The Government had not been idle in the economic sphere either. They had spent more than 50 crores and brought 20 million acres under crops. The Railway programme had been pushed forward. The Cotton industry had been placed on solid foundation. A policy of discriminating protection was being followed in order to help the Indian industries and labour legislation had been taken in hand. So everything had been done so far as financial circumstances permitted. Now the position was bright. The Government of India was now pursuing a policy of reducing outside debt and Sir Basil Blackett was doing everything in that direction. It was just what they in the Congress had been demanding for several years. The Government had now provided for the healthy Indianisation of the services. Thus it would be seen that since 1920 they had advanced a great deal.

No Government could say it had not made a mistake; but the Government of India practised extreme tolerance to show to a certain section of the Indian people the unwisdom of carrying on their unhealthy activities. He admitted that they had not fully succeeded in doing so; but the heart of the people was sound and if only the ignorance of the masses was not taken advantage of by a certain section the situation would vastly improve.

He did not want to deal with the question of reforms in detail. It was perfectly legitimate on the part of those who had entered the Legislature to advance the cause of the Reforms to the extent that prudence dictated, but he had been asked by Mr. Ramadoss to resign because the Assembly had carried a motion refusing allowances for members of the Executive Council. If he (Mr. Sarma) felt convinced that he had done anything in the Executive Council of which he was ashamed, if he felt that he was not receiving that co-operation from his colleagues on the Executive Council then he should have felt bound to resign his place. But to ask him to resign merely because the Assembly wanted to make a general attack on the Government policy was ridiculous. If Mr. Ramadoss could show that the Government had on any particular account done anything detrimental to the interests of the public of this country he would certainly resign. The motion to which Mr. Ramadoss referred related to the resentment of the Assembly that the Muddiman Committee Report was not satisfactory. The Government of India had not even discussed that report and yet friends of Mr. Ramadoss wanted the members of the Executive Council to resign. If the Government of India as a whole had come to a decision which in his (speaker's) opinion was detrimental to the interests of the people of this country then it would be time for him to resign. Meanwhile to ask him to resign was ridiculous. If the Government members were to take their position of responsibility so lightly and were to resign their seats on a motion of the description to which Mr. Ramadoss referred then the Government would be powerless. Indeed, he refused to think that any responsible member, European or Indian, would give weight to a vote of that description.

Sir Basil BLACKETT said he did not propose to deal with the political question which had been fully and admirably dealt with by Sir Narasimha Sarma. If the policy of obstruction was to be pursued to prove that the framers of the Constitution were wise in putting emergency provisions that had arisen that purpose had been served; but continuance of that policy would not take them a step farther.

First of all he concentrated on meeting the criticism often advanced about high taxation that had been imposed since 1913-14. Some had said that taxation had gone up by 48 crores and some had put forward other figures. He took the trouble to ascertain the correct position by comparing revenues in 1913-14 with that in 1923-24, when fresh taxation was imposed last. The revenue of India in 1913-14 stood at a total of 71 crores, 85 lakhs, inclu-

ding proceeds from land revenue of 81 crores, two lakhs. The revenue of India in 1913-14 stood at a total of 71 crores, 86 lakhs, including proceeds from land revenue of 81 crores, two lakhs. The revenue of India in 1923-24 stood at a total of 125 crores, 86 lakhs. Taking the index figure of 100 the revenue of India had increased from 100 to 167 from 1913-14 to 1923-24. During the same period the population of British India had increased from over 245 millions to over 247 millions. The revenue in 1913-14 was calculated to be Rs 2-15 per head compared with Rs. 5-8 per head in 1923-24. The main increase in the revenue had occurred under Customs and Income-tax. Of course, the customs duty was paid by the whole of India and not merely by British India.

He next turned to examine the increase in wholesale prices and taking the index figure of Bombay he found that during the same decade wholesale prices had risen from 100 to 183. Thus between 1913-14 and 1923-24 taxation had gone up almost exactly in proportion to the increase in prices. Therefore the commodity value of the Government revenue was very little more than what it was before. He did not say that the point was very accurate, but these figures should supply a useful corrective to unthinking statements that the cost of administration and military expenditure had risen to staggering proportions. The Government record was thus better than its critics would allow. People who went into a shop to buy goods to-day paid the same proportion for value of the services as they paid for the services of the Government compared with 1913-14. This was creditable when they recognised that during the decade the great war had occurred and had cost India considerably.

In the case of railway fares and rates the department of Sir Charles Innes was charging less in proportion to the increase in wholesale prices. Therefore railways in terms of commodities were cheaper to-day than before the war. Prof. Hamilton delivered the other day an interesting lecture in Patna on the subject. So far as land revenue was concerned the return from it had risen during the decade from 81 crores 20 lakhs to 84 crores 62 lakhs. Thus in terms of commodity the burden of land revenue had been considerably diminishing and wherever there was permanent settlement it went on diminishing as prices changed. He had made these observations to apply correction to the charge of extravagance against the Government. The whole system of taxation was however now under enquiry. He hoped this was the subject in which the whole country was interested. He realised that the fact that taxation had not been above the commodity value compared with pre-war prices, did not mean that the burden on the individual tax-payer was the same. He expressed his views on the rupee tax a fortnight ago.

His speech should not be understood as suggesting that he was not in favour of reduction in taxation and expenditure. As regards army estimates he did not think they could now look forward to large savings under this head though they would continue to economise as far as possible. He thought improvement should be in the direction of increased yield from the existing sources of taxation. He also hoped that as a result of the debt redemption scheme considerable saving would result in charges on account of interest. Indeed he looked forward to a decrease in expenditure under this head and to increase in their total revenue to get rid of provincial contributions and make reductions in other items. They had however to remember that some items like excise and opium revenues were not on secure footing. On the other hand he hoped for increase from such sources as railways.

The motion for taking the Finance Bill into consideration was then put to vote and passed, only Mr. Ramadass crying "No."

Restoration of Salt-Tax.

Mr. McWATTERS next moved the amendment to restore salt-tax to Rs. 1-4-0 per maund. This rate of tax, he said, had been in force for the last nine years with the exception² of one year when it was doubled. The rate of Rs. 1-4-0 was in force at the time the reformed constitution was put in operation and the promise of eventual extinction of provincial contribution was given on the basis of this tax at Rs. 1-4-0. He now asked the House to restore that rate to enable the Government to redeem its pledge and reduce the contributions this year substantially. If, however, the tax remained at Rs. 1 the Government would lose Rs. 90 lakhs this year and 125 lakhs in the succeeding years. They would thus lose 6 crores in 5 years at a time when the provinces were crying for money for schemes of development. This morning's telegram reported that the Madras Council had unanimously carried the motion of adjournment against the reduction of salt tax by the Assembly. Indeed the speaker felt that one of the evils which had retarded the healthy development of the constitution had been lack

finds. As regards the so-called burden on the consumer which reduction in duty of four annas would relieve it would result in the removal of the tax of three-fifths of an anna per head per annum. This might be the only gain to the consumer on a theoretical basis but in practice even this would go in to the pocket of middlemen. For the sake of this insignificant advantage they were sacrificing 135 lakhs a year. Indeed they would be sacrificing substance for shadow.

Mr. RAMADASS opposed the Government amendment. The Assembly, he said, was primarily responsible for taxation and should not be upset. He held that man's right to eat salt ought to be as free as his right to breathe air. Mr. Ramadass contended that the budget contained room where retrenchment could be made and the salt tax be fixed at Rs. 1 decided by the Assembly. It was not the duty of the Council to frame the budget. That was the function of the Executive. This Council had no hand in it.

The House divided and Mr. McWatter's amendment to restore salt duty was carried by 35 votes against 4. These 4 were Mr. V. Ramadass Mr. K. V. Rangaswamy Iyengar, Mr. Vedamurthi and Mr. Karandikar.

Reduction of Postal Rates.

Mr. RAMADASS next moved the amendment to reduce the rates of postcards to quarter anna. He said that the raising of postal rate was a war measure and it was high time that some relief was given to the poor specially when the cost of living had gone up. Against the argument that the higher rates were justifiable because the Post and Telegraph Department should be self-supporting, Mr. Ramadass said that the postal department rendered services to many departments like Customs and also to Indian States. Unless the accounts were separated and the principle of commercialization was thoroughly introduced, it was difficult for the House to know how much the department had contributed towards the running of the Postal Department. The rate of postage could be reduced by reducing the number of highly paid superior officers. He strongly appealed to the House to support his amendment.

The amendment of Mr. Ramadass was rejected without division.

Finance Bill Passed.

Mr. McWATERS next moved that the Finance Bill as passed by the Assembly and as amended by this Council be passed.

Mr. RAZA ALI took the Assembly to task for reducing the salt duty on a false issue, thereby placing the members of this House in an awkward situation. He justified the salt tax being put at one rupee and four annas, but suggested that the question of reduction might be seriously taken next year.

Mr. KARANDIKAR, while supporting the passage of the Bill, asked the Government not to forget the poor man's salt. If necessary they might consider the situation in the light of the recommendations of the Taxation Enquiry Committee.

Mr. RAMADASS opposed the passage of the Bill and said that in so doing he was only entering a constitutional protest.

The Bill as amended was passed. Mr. Ramadass being the only dissident.

Remission of Provincial Contributions.

On the 23RD MARCH the Council of State disposed of official business only. Loud applause greeted the announcement made by the Secretary that the Legislative Assembly had agreed to the amendment made by the Council of State to the Finance Bill, namely restoration of salt tax. Mr. McWATERS moved the Government resolution regarding remission of provincial contributions in the same terms as was passed by the Legislative Assembly on the motion of Sir Basil Blackett. The speech with which the Finance Secretary recommended the acceptance of the resolution was brief and in the main covered the grounds advanced by the Finance Member in the Assembly. He added that the Government was grateful to the Council and the Assembly in passing the Finance Bill in the form presented by the Government and thereby enabling them to make substantial remission of contributions.

On the motion of Mr. Lallubhai SAMALDAS the Council agreed to the addition of a rider to the resolution recommending to Provincial Governments that the amounts released or given to the Provincial Government be mainly devoted to expenditure in the Transferred departments.

Mr. McWATERS did not oppose the amendment, but he made it clear that the circumstances differed in each province and the Government had no information justifying any

partition of sums between the two sides of the Provincial Governments. The Government was anxious that as much money as was available should be spent in nation-building departments, but the Government must approach the matter with caution.

The amendment of Mr. Lallobhai Samaldas was carried and the original resolution with this rider was accepted.

Other Measures.

On the motion of Mr. Chadwick, Commerce Secretary the Council passed the Indian Tariff Bill as passed by the Assembly. Then finally on the motion of Mr. McWatters the Stamp Bill and the Income-Tax Amendment Bill as passed by the Assembly were passed.

On the 24TH MARCH on the motion of Sir Mahomed Habibullah, the Council passed the Cotton Cess Act Amendment Bill as already passed by the Assembly.

The Bengal Ordinance Bill

Sir Narasimha SARMA then announced that the only business left was the Bill to supplement the Bengal Criminal Law Amendment Act, and it was hoped to place the Bill before the Council the next day in the form in which it was originally introduced in the Assembly.

A good deal of discussion ensued as to the date on which the Bill should be discussed in the Council. Divergence of view was expressed and eventually the President decided that it would be convenient both to the Government and the Council if the Bill was formally placed before the Council the next day and discussion taken up on Thursday the 26th.

Accordingly the Bengal Criminal Law Amendment Act Supplementary Bill, as recommended by the Governor-General was placed in the Council of State on the 25th March and discussed next day, the 26TH MARCH, for over five hours and passed, oppositionists not claiming division although they had opposed the Bill, especially clause 6, which suspends the Habeas Corpus Act.

Earlier in the day, the motion for the consideration of the Bill was vigorously opposed by non-officials, but was carried by 20 votes against three, the latter being Messrs. Rangaswami Iyengar, Karandikar, and Sukhbir Sinha, while during the discussion, Messrs. Ramdas and Vedamurthi had walked out of the Chamber as a protest against the passing of the Bill at the point of the bayonet, as they described Lord Reading's recommendation.

Mr. CREEAR, in moving that it be taken into consideration, said he did not intend to inflict upon the House a recapitulation of the melancholy series of crimes and outrages which had rendered necessary the enactment of special legislation in Bengal. The Governor-General in promulgating an Ordinance for that purpose issued a statement and though he regretted that some tragic items had still to be added to that tragic category it still stood a concise and cogent justification of the action which was then taken and which the Council of State was invited to endorse. The formidable recrudescence of revolutionary conspiracy, designed to subvert the Government by violence, and the preparation of a series of horrid outrages with that object, could no longer be regarded as a matter of controversy. The facts were on record. They were admitted even by those who most solemnly denounce the action of the Government and they were avowed by revolutionaries themselves. It was unhappy the fact that when a matter such as this had been for a long time under discussion and under controversy there was a dangerous and deplorable tendency for the facts to degenerate into phrases. He urged the Hon. Members to envisage the circumstances of those facts and give due weight to their terrible implications. It appeared to him a very difficult conclusion to say: "A revolutionary conspiracy with these objects was in existence; but it was not a matter of great importance."

They were not dealing merely with academical associations of theoretical Nihilists, but with men who believed less in propaganda and pamphlets, than in pistols and pincer acid, who, though they indulged in both preferred murders to manifestoes and who had acted and were prepared to act on these beliefs and these preferences. The Government did indeed require special procedure in order to give due application of penal laws. Above all else, what they required was an effective measure of prevention, of precaution and of protection and those which had been taken were not hasty and ill-considered expedients. They had emerged from prolonged and exhaustive enquiries of the past and ascertained results of experience. They were supported by a consensus of opinion from successive Governors and from judicial, administrative and executive officers of every variety of experience. Could it be argued that these were hasty, ill-considered and rashly

undertaken? Measures of this character were resorted to in Bengal during the years of war and the immediate result of these measures was that, by the year 1918, an end had been put to the long series of similar outrages which unhappily found their place in the annals of Bengal in those years.

Continuing, Mr. Crerar said it would be abdication of the Government to permit a revolutionary organisation to pursue its course and perfect its machinery to a stage which would enable it to suspend the rule of law and defy the Government. So long at least as the axiom was accepted, the fundamental duty of the Government was to preserve public security on which political advance and all functions of a civilised organism depended.

Turning to the immediate object of the Bill, the Home Secretary said in the first place it provided for an appeal to the High Court by any person convicted on trial by commission. It provided also for confirmation of any death sentence which might be passed by the Commissioners. Those were the safeguards which the Government of India and all authorities who had to consider this measure deemed necessary and proper in order to ensure a just and equitable operation of the Bengal Act now on the Statute Book. There were provisions which would authorise the Government of Bengal in any case in which it was found necessary to commit a person to jail outside the province of Bengal and the object of that was the interests of public security, in order that, when such a necessity arose, a person against whom such an order was made may be removed from his dangerous associations and from the scene of his activities. He did not deny that the grant to the Executive Government of the powers of that character was a very serious matter, but if this measure was to have any effect it must be made effective from the outset. He had heard the authority of Lord Morley quoted as a ground of criticism against the principles of such a measure. In reply he quoted Lord Morley in which the latter had said that his view was that the powers given under the Regulation of 1918 did constitute in emergency powers which might be lawfully applied, if there was an emergency.

Concluding Mr. Crerar did not think that he had left it open to any candid Judge to enquire whether behind the brief clauses of this Bill or the more comprehensive, but equally undisguised provisions of the measure which it supplemented, there was concealed any subtlety of policy or any unexplained intention. It had been alleged that this Bill, taking advantage of some insane outrages committed by irresponsible and isolated individuals, was aimed at a political party whose activities had been embarrassing to the Government. He would not plead to a charge so absurd, so manifestly untenable, so remote from facts; but he would not deny that this Bill was inspired by a political motive. The Government of India were, with His Majesty's Government and with the Parliament and with the British people, pledged to a programme of political advance in India towards Self-Government. "They perceive clearly, perhaps more clearly than their critics who are not so closely in touch with the forces which make for progress as with those which make for retardation, that nothing could be more fatal to these intentions and these aspirations than the obstacles which are interposed by lawlessness and violence by the cult of the pistol and the bomb. The Government are determined to do all that in them lies to remove these obstacles and to keep open the path for all men of good-will to walk in, without let or hindrance. That is the political motive, and is the resolve, the determination which inspires this measure." (Applause).

Mr. YAMIN KHAN regretted that in promulgating the Bengal Ordinance, the Governor-General did not share his responsibility with the Indian Legislature. This Bill was to supplement that Ordinance, and what was more regrettable was that it had come before this House with the recommendation that it be passed in the form as originally introduced. The necessary conclusion was that this Council had not the right to say that it agreed to this clause and was opposed to the other. Now, however the Governor-General has taken upon himself the entire responsibility for the passage of the Bill in the form as introduced and on the basis of facts which had been communicated to him by the Bengal Government, but which had not been placed before this Council. In the circumstances it was not fair for this House to either oppose or support the present Bill. The only possible course was to leave the Bill to be passed by those members who wanted to share the responsibility with the Governor-General. He, for his part, was not prepared to accept the responsibility, because he was not convinced of the necessity for the Ordinance. No doubt Lord Reading considered it necessary to pass the Bill as recommended; but the procedure adopted by the members of this Council would have been very different if the Bill had come up before this Council in the first instance. On the other hand, it had been certified by the Governor-General. There must have been certain reasons which made the Governor-General adopt this attitude; but this Council was

not in possession of even those reasons. He therefore, left the Bill to be passed with the vote of those who were in possession of the secret facts and felt that it must be passed.

Mr. NATESAN said he could not respond to the appeal of Mr. Crerar. He spoke, he said with a deep sense of responsibility and with a heavy heart. He confessed with shame that there was an anarchist movement in Bengal, the existence of which was acknowledged by more than one leader of a well-known party. He condemned the anarchists, because they were enemies to India. It was nothing but illusion to suppose that self-government could be achieved by anarchist methods. He did not share the view that the Ordinance was aimed at Swarajists as such. He agreed that the anarchist must be put down, but he did not agree with Mr. Crerar that the Ordinance and the Supplementary Bill were the only methods of putting down anarchists. Facilities which were given even to Sir Roger Casement had been denied to the accused under this Act. While on the one hand the right of appeal had been conferred, on the other hand the ancient privilege of Habeas Corpus had been denied and the accused could be detained for any indefinite period. Much had been said of Lord Morley's views. Mr. Natesan argued that much water had flown under the bridge. It was a matter of deep regret that this Bill had been brought before the Legislature at a time when the non-co-operators were becoming co-operators. The Bill would also become an Act, but he asked the Government to realise their responsibility in this matter. He urged the Government to see that the evidence against each accused be placed before the Commissioner and that all reasonable facilities be given to him to explain his innocence. He feared that by bringing this Bill, in the manner the Government had done, they were thinning the ranks of the co-operators. He begged the Government not to convert India into another Ireland. Indians were for transforming the existing system of Government only by peaceful and legitimate methods and therefore nothing should be done which would interfere in this, their noble task. He regretted he could not support the motion of Mr. Crerar.

Sir D. P. SARVADHIKARI in a lengthy speech opposed the consideration of the Bill. He analysed the Ordinance in great detail and said it was difficult to consider a measure of this character. He did not think that such an emergency had arisen to warrant a measure of this description. Materials had not been placed before this Council to prove the necessity for the promulgation of the Ordinance and much less for the inclusion of some provisions of the Bill, especially the removal of the right of Habeas Corpus. He was prepared to admit that there were revolutionary criminals in Bengal; but he was not prepared to admit that there was a revolutionary movement for the furtherance of political wants and aspirations. Sir D. P. Sarvadhikari then examined the Ordinance from the legal and constitutional aspect and complained that it has been brought before the House for consideration. Sir, P. C. Mitter, who was a party to the framing of the Rowlatt report, was opposed to the Ordinance Bill. He (the speaker) asked what was the necessity for providing for the removal of prisoners to other provinces, when there were endless number of jails within Bengal. He severely criticised the removal of the right of Habeas Corpus and said in the face of this provision he could not consider the right of appeal to the High Court as any very much hopeful provision. In conclusion he opposed the consideration of the Bill.

Mr. VEDAMURTHI regretted that owing to his ill-health he was not able to take an active part in this session, but his ill-health could not prevent him from recording his protest against the introduction of the Bill. He was entirely opposed to the principles that underlay the Bill, and the policy enunciated in it. He held that the suspension of Habeas Corpus was a very extraordinary procedure which deprived a citizen of his most cherished right. Proceeding Mr. Vedamurthi said that there was an impression in the country that the Council of State was a handmaid of the Government of India and that it existed in the constitution only to register the decrees of the Government. Even this Council to-day was offered an ultimatum in the shape of not only a recommended Bill, but of a certified Bill by the Governor-General. It was an insult to the House to be called upon to pass the Bill at the point of the bayonet. It was a sheer waste of time to discuss the Bill as the Government had come with the determination of not being convinced. Their discussion and adverse vote would not make the Government deviate even by a hair's breadth from the course they had chalked out for themselves. The discussion would only be a farce. He felt that he could not therefore be party to the passing of the Bill and he declared that, to emphasise his protest against the Bill, he would withdraw from the House when the Bill was read a second time.

After his speech Mr. Vedamurthi bundled up his papers and walked out of the Chamber with a bow to the chair.

Mr. KARANDIKAR opposed the consideration of the Bill. He said that the whole affair betwined lack of trust by the Government for the people of Bengal and also for their own judiciary. He saw no justification for the Government to deprive their judiciary of its powers. He referred to the Bengal Bill before the local Council of Bengal and how it was opposed by prominent public men of that province. He then criticised the Bill under discussion in detail and said that High Courts should not be deprived of their powers. No case had been made out for the suspension of the Habeas Corpus Act.

Lala Sukhbir SINHA also opposed the consideration of the Bill. He avowed that he was not for any revolution in the country. Men of position and property wanted protection of life and property. It was a pity that in recommending this Bill the Governor-General had taken the entire responsibility for the passage of the Bill on himself. He had forgotten that the members of this House had some responsibility in the administration of the country. In regard to the promulgation of the Ordinance he did not consult the Central Legislature. There the matter rested and the responsibility rested with the Governor-General. What was the use of this Council now discussing this Bill when it had been certified? Therefore he thought that they should not consider the Bill on its merits, but leave it to the Government to do what they thought best for the country.

The Raja of DIGHAPATHIA (Bengal) regretted that he was unable to support the Bill. He feared this Bill would not have the desired effect but might have the opposite effect. There was nothing but martial law in Bengal and any man could at any time be arrested by the Police without any warrant. It was not right to punish the whole province of Bengal for the crimes of a few. Already ninety persons had been arrested and detained for several months. The appointment of Commissioners was a mere eye-wash. Moreover it was difficult to understand the necessity for a provision enabling the Government to transfer the prisoners from Bengal to jails outside Bengal. This would create unnecessary hardship to the prisoners. Concluding the Raja said he had received several communications from several associations in Bengal asking him to emphatically protest against this Bill.

Syed RAZA ALI said the right of appeal given to the accused dwindled into insignificance before the suspension of the Habeas Corpus Act contained in Clause VI. The implication of this clause was very serious. A man could be detained for any length of time without information against him being put to the judicial scrutiny. The Repressive Laws Committee had clearly laid down that restraining the personal liberty without trial of any subject was inconsistent with the recent constitutional changes and therefore the committee recommended that to be repealed. Section 491 of the Criminal Procedure Code expressly exempted action under the Bengal Regulation from liability to a writ of Habeas Corpus, because the Government had declared that their policy was to confine their operation of the regulation within the strict limits proposed by the Repressive Laws Committee, that is, to be used only in the Frontier and backward tracts and not to be used in cases of internal commotion. But the Police of Bengal had been given extraordinary powers to arrest any person without warrant. The very fact that these measures were necessary showed that the Bengal Police was not so efficient as it ought to be. He, for one, would not give a *carte blanche* to the Bengal Government to order the Police to do things as they liked. He feared that under the Act a Police constable was a mightier individual than Sir Alexander Muddiman and Mr. Orerar. (Laughter.)

Mr. V. RAMADAS (Swarajist) said that two years ago this Council was invited to co-operate with the Government in taxing the poor man by doubling his salt tax and the members very obligingly accepted the invitation of the Government. To-day they were invited once more to accede to the Viceroy's view that this Black Bill was essential for the good of India. He declined to accept that invitation. Their co-operation was only wanted when something extraordinary was required to be done against the wishes of the whole country and of the Assembly. As to the utility of discussion and debate he argued that the representatives of Bengal and of India had unhesitatingly and in no uncertain terms condemned this Black Bill. After the rejection of three clauses of this measure in its present obnoxious form, they could not reject the Bill, nor could they allow it to become law. He held therefore that there was no use of discussing and debating the clauses of the Bill. Similarly it was no use to convince the bureaucracy who were the steel frame of the Indian constitution and who were not liable to change its views. He emphatically entered his protest against the misuse of Section 67-B of the Government of India Act. Concluding, the speaker felt that without doing any injustice to his electorate and without failing to discharge his functions, he must withdraw from the deliberation of the Council so far as the debate of this Bill was concerned.

After Mr. Ramdas had concluded his speech, he walked out of the Chamber.

After Mr. Ramdas has left the Chamber in protest against the passing of the Bill, Sir Alexander MUDDIMAN addressed the Council. He said that in bringing the Bill in the recommended form, there was no intention of treating this House in any other way than with the greatest respect. He had for sometime enjoyed the honour of presiding over the deliberations of the Council of State and he would do nothing to lower the dignity and the great reputation which this Council enjoyed in India. It had been suggested that the Bill had been brought forward at the end of the session. That was not the fault of the Government. They had to lay the Bengal Criminal Law Amendment Act itself before the two houses of Parliament for eight working days, and the Act itself received the sanction of His Majesty only on the 18th March. No surprise was sprung on this Council as had been alleged by some members, because this had been before the Councillors since last Friday. Regarding the necessity for the Act itself Sir Alexander Muddiman said, that the fact of a very serious terrorist conspiracy making the life of the man in the street intolerable, was admitted. The ordinary law had broken down. Juries had failed in their duty. The witnesses were intimidated and Bengal was sliding slowly towards that state which filled everyone in Bengal with sorrow, with horror some years ago. It had been argued that the action taken by the Government was not the right one, but no one had suggested any alternative. The Raja of Digapathia had stated that the situation in Bengal was something like the Martial Law regime, but under the Martial Law, the suspected person could be shot. Did they want it in Bengal?

Concluding, the Home Member appealed to the Council to shoulder some part of the responsibility which attaches to the maintenance of law and order in India. It had been a charge repeated by those opposed to reforms in India that the legislatures did not favour any action taken by the Government for the maintenance of law and order. He did not suggest that this House should blindly without consideration endorse all that had been proposed. It was a matter on which the Members must examine their own consciences very closely, and see whether they were justified in refusing that support to the Government which it was the right of the Government to look for from the Central Legislature, and the House in particular.

Mr. CREER emphasised that there was a revolutionary conspiracy very well organised and sustained. In support of this statement he pointed out that there had been large importation of ammunitions which could not be obtained by any legitimate means. Then there was distribution of a very large number of revolutionary publications, and thirdly there was manufacture of a highly efficient type of bomb. The object of these revolutionary organisations was the overthrow of the Government established in India by force and subvert the social organism which was the primary duty of the Government to support.

Mr. Creer's motion that the Bill be taken into consideration was put to vote and carried by 29 votes to 3.

The 3 members were Messrs. K. V. Rangaswamy Iyengar, R. P. Karandikar and Sukhhir Sinha. The 29 members were Sir Narasimha Faizma, Sir Mohamed Habibullah, Mr. Abbott, Sir Charles Mowatt, Mr. Berthoud, Mr. Zahirudin, Mr. Dawn, Mr. Chadwick, Mr. McWaters, Mr. Creer, Mr. Ley, Col. Patterson, Dewan Tekchand, Sir Umar Hayat Khan, Sardar Charanjit Singh, Nawab of Lohara, Mr. Shyam, B. Misra, Mr. K. N. Mitter, Mr. Wild, Raja of Damraon, Major Akbar Khan of Hoti, Mr. Dutt, Mr. Natanson, Mr. Khaparde, Sir D. P. Sarbadhikari, Raja Digapathia, Mr. Raza Ali, Mr. D. C. Barna, and Khan Sahib Amanali.

After launch, that is, after Mr. Raza Ali's speech, the first three clauses were passed without any discussion. A short discussion ensued on Clause IV which authorises the Government to order custody of prisoners in jails outside Bengal, but this clause too was passed without any slight opposition.

The last clause, that is, suspension of Habeas Corpus Act, was opposed by Mr. Raza Ali and Dr. Sarbadhikari, but the Home Member emphasised that they could not have revision of the grounds of action by a Judicial Tribunal when ex-hypothesi they were enacting a law in which they could not disclose the sources of information. The clause was put to vote and a few members said 'No', but no member claimed division when the Bill (as recommended by the Governor-General) was put to vote and carried. Here again a few members said, 'No', but did not claim division.

The Council then adjourned *sine die*.

The Autumn Session

SIMLA—25TH AUGUST 1925.

The Autumn Session of the Council of State commenced on the 25TH AUGUST in the Council Chamber at the Viceregal Lodge. Feeling references were made to the deaths of Lord Kawlinson, Mr. C. R. Das and Sir Surendranath Banerjee.

A resolution moved by Mr. Khaparde for an enquiry into the condition of the piece-workers in Government presses was rejected.

A resolution of Sir D. P. Sarbadhikari for a delegation of a few elected members to form the nucleus of a convention to draft a constitution for British India was postponed, as the Government motion on the Muddiman Report was going to be placed shortly before the House.

On the 26TH AUGUST Six Government Bills were introduced in the Council of State without discussion. These included a Bill to supplement the Oudh Courts Act, 1925, a Bill to amend the Criminal Tribes Act, and a Bill to amend the Cotton Transport Act, 1923. By the latter Bill Local Governments were given some discretion in the matter of restricting the import of cotton in any protected area.

Sir Narasimha Sarma introduced a Bill making very minor alterations in the Trusts Act, 1882; Electricity Act, 1910; Mines Act, 1918; Workmen's Compensation Act, 1923; Civil Procedure Code Amendment Act, 1923; High Courts Jurisdiction Act, 1872; and the Criminal Procedure Code, 1892; and repealing the Burma Laws Act, 1898.

A Bill was then introduced supplementing certain provisions of the Madras, Bombay and Bengal Children Acts, which contain provisions affecting the appellate and revisional jurisdiction of the respective High Courts. It was held that such provisions are ultra vires of the local Legislature. Hence this validating measure. The last Bill introduced was one to amend the Ports Acts, 1908, by which the Government of India was empowered by notification to exempt, from the operation of Section 31 for any port, sailing vessels below a specified tonnage.

The Oudh Court Bill.

On the 31ST AUGUST, on the motion of Mr. CRERAR the Bill to supplement the Oudh Courts Act, 1925, was taken into consideration. Dr. Dwarkanath Mitter moved a series of amendments for the addition of the words "or Chief Court" after the words "High Court" in several clauses of the schedule to the Bill. He pointed out that without such additions the position was not clear, especially in regard to the rule-making powers of High Courts.

Sir Narasimha SARMA said that the Government of India had followed exactly those sections which had been referred to in the Oudh Courts Act. The High Courts, constituted under the Government of India Act and the Chief Court of Oudh, would have to appoint a rule-making committee and would have to take the committee's report into consideration before the rules were framed, whereas in the case of other Courts the constitution of a committee was not compulsory before the rules were made. Moreover, the expression includes a Chief Court under the General High Court Clauses Act.

Syed RAZA ALI, on behalf of the people of Oudh, expressed gratitude to the Government for establishing a Chief Court for Oudh. He looked forward to a time when the Chief Court would be raised to the status of a chartered High Court at Lucknow, the jurisdiction including some western districts of Agra Province. The Bill was then passed.

The Council next passed without discussion the Criminal Tribes Act (Amendment) Bill, the Cotton Transport Act (Amendment) Bill, the Bill amending certain minor enactments and repealing certain others, the Bill supplementing certain provisions of the Madras, Bengal and Bombay Children Acts and the Bill amending the Port Act of 1908.

The Opium Evil.

On the 1ST SEPTEMBER Sir Devaprasad SARBADHIKARI proposed that the area for the cultivation of opium be restricted and brought under stricter control, and the practice of making advances to cultivators discontinued from next season.

Mr. McWATERS said that in seven years the area of cultivation had been reduced from 200,000 acres to 116,000 and the Government had arranged to reduce cultivation next year to 74,000 acres. The Government were considering the question of concentrating cultivation in certain areas in order to bring it under stricter control. Moreover, the rate of payment to the cultivator had been reduced from Rs. 15 to Rs. 13 per seer. The average revenue from opium had been also reduced from Rs 5 crores to Rs. 2½ lakhs. Export was allowed only under the licence system. Export would be stopped to those countries where opium found its way into illicit channels. He announced that an independent committee of the League of Nations would visit India and the Government would allow them to examine their system. The age-long practice of making advances to cultivators must continue, as otherwise the cultivators would be in danger of getting into the hands of money-lenders.

A suggestion for the adjournment of the discussion till next session was negatived. The first part of the resolution suggesting restriction of the area of cultivation was lost by 29 votes to 11, while the other part was rejected.

Mr. Yamin Khan next introduced a Bill to amend the Interest Act, which aimed at preventing the accumulation of interest.

On the 2ND SEPTEMBER Sir Henry MONCRIEFF SMITH, as President of the Statute Law Revision Committee and Chairman of the Joint Committee on the Bill to consolidate the law applicable to intestate and testamentary succession, moved for consideration of the Bill as it emerged from the Joint Committee.

Sir Henry said: The Bill, introduced two year ago by Sir Alexander Muddiman, purported to be a measure of consolidation. The Bill now before the Council had brought together all scattered law on the subject of intestate and testamentary succession and a large number of textual amendments had been made which were merely of a drafting nature. The Bill was passed.

Repeal of Repressive Laws.

On the 3RD SEPTEMBER a heated debate was held in the Council of State on the motion of Mr. RAMDAS, Swarajist, for consideration of Mr. Patel's Bill passed in the Legislative Assembly last March repealing five special enactments, including the Bengal and Madras Regulations and the Prevention of Seditious Meetings Act.

An attempt by Dr. Dwarkanath Mitter for reference of the Bill to the Select Committee was also opposed as the Government would not commit itself to the principle of repeal when the ordinary law was not sufficient to deal with offences against the State.

Non-officials, including Sir Devaprasad Sarbadhikari and Mr. K. C. Roy, emphasised that the Assembly had carried the Bill as a party measure, designed to create a political effect, and so detailed consideration had been given to the recommendations of the Repressive Laws Committee. By

agreeing to the Committee stage the Bill could be shaped in acceptable form, and the powers necessary for the Government to deal with dangerous offences against the State would be maintained.

The motion for a Select Committee was lost by 30 votes to 13.

In the discussion for consideration of the Bill a large number of speakers participated. Mr. RAMDAS, relying on statements in the Sapru Committee's report, pleaded for repeal of all five enactments, some of which, he alleged, were being applied by the Government for the suppression of all forms of political agitation.

Syed RAZA ALI, who remained neutral, justified his action by stating that while on the one hand Mr. Ramdas wanted a repeal of all five enactments, the Government, on the other, opposed even a Committee for consideration.

Sir Maneckjee DADABHOY opposed the Bill as a repeal of the enactments would result in anarchy, bloodshed and riots in the country, thereby impeding industrial, agricultural and commercial progress.

Messrs. Karandikar and Khaparde, supporting the Bill, pointed out that repeal of the enactments would not weaken the hands of the Government, as the Governor-General could promulgate ordinances in 24 hours whenever an emergency arose.

Mr. CRERAR, Home Secretary, opposed the motion. While he acknowledged Mr. Ramdas's moderation he did not agree that the Bill was moderate. The Bill before the House did not contain the enactments which were included in it when the original Bill was before the Assembly. The Assembly removed the Punjab Murderous Outrages Act from among the proposed measures for repeal and there was partial mitigation of the original Bill in so far as it affected the Moplah Outrages Act, but Mr. Patel had told the Assembly that he would introduce another Bill for the repeal of these two as well. In so far as the laws mentioned in the present Bill were concerned, they undoubtedly conferred upon the Government the power of committing to custody without a regular form of judicial trial. Mr. Crerar shared repugnance in the feature of the laws in question, but it was only hard necessity which compelled the Government to retain them on the statute book. The Repressive Laws Committee's report should be taken as a whole.

The Committee were themselves very much impressed by apprehensions of the future and, indeed, the ink was hardly dry when they had the Moplah rebellion, which was followed by a recrudescence of revolutionary activities in Bengal and the discovery of a Communist conspiracy in India. The judgment of the High Court in the Cawnpore Conspiracy case would reveal that the dangerous Communist conspiracy was not a thing of bureaucratic imagination. It had been alleged that these measures were archaic, antiquated and obsolete. They were not more archaic than revolution, not more antiquated than conspiracy and not more obsolete than assassination.

Retention of these laws was due to a very real danger. Persistent attempts had been made from foreign sources to introduce in India propaganda against India's peace and security as a whole and not merely on the frontiers. There was subversive propaganda in the form of incitements to murder and rebellion and in the concrete form of illicit arms and ammunition. That was a danger which could not be lightly diminished, especially when they referred to the case of China where the trouble was due to Communist activities. Mr. Crerar added:—"The Government of India have documentary proof to show that attempts have been made and are being made by Communist elements in China to secure connection with India."

Proceeding, the Home Secretary asked the House to consider the international obligations of the British Government in India with regard to its own undesirable, that is, those persons, like Indian Communist agents who were very recently in Germany. The German Government had applied to the Government of India to receive those agents on the ground that their activities were dangerous to the German State. The Government of India were bound to receive these agents back to Indian shores, but could the Government allow them to carry on their propaganda.

Concluding, Mr. Crerar said the real object of the Bill was not to improve the statute book but to impair the Government's power and weaken their responsibility. The obligations of the Government must be accepted and vindicated. No honest Government whether in its own interest and of the peoples committed to its charge or in the interests of its successors in title and liability can possibly be met with an aggression of this character and omit to repel it by every means in its power.

The motion for consideration of the Bill was put and lost, 9 voting for and 29 against it.

Mr. Phiroze C. SETHNA introduced his Bill to amend the Transfer of Property Act 1882. The object of the Bill was to amend Section 123 by providing an exception clause dealing with gifts.

On the 7TH SEPTEMBER the business of the Council of State was purely official and lasted only half an hour. After interpellations, Mr. Crerar moved for consideration of the Civil Procedure Amendment Code Bill 1908. There was no discussion and the Bill was passed. Similarly the Council agreed to the passage of the Bill to amend the Religious Endowments Act, 1863, which was brought forward in consequence of the recommendation of the Civil Justice Committee.

Mr. McWATTERS, in moving for consideration of the Bill amending the law relating to salt and salt revenue, said that its object was to bring under direct control of the Central Government the administration of salt in the Madras and Bombay presidencies. Apart from affording administrative convenience the Bill was in strict accordance with the spirit of the Reformed Constitution. The Council again without discussion passed this Bill.

The Bill conferring certain exemptions on members of legislative bodies was then taken into consideration by the Council at the instance of Mr. Crerar and passed, as was also the Sikh Gurdwara Act Supplementary Bill.

Indianisation of High Commissioners Office.

On the 8TH SEPTEMBER Mr. Sethna moved that steps be taken to Indianise the staff and establishment of the High Commissioner in London.

The debate lasted more than two hours and the motion was carried, with an amendment by Sir Maneckjee Dadabhoj suggesting that Indianisation must be carried out as far as is compatible with economy and efficiency, and must take place among the higher staff and establishment.

Transfer of Property Act.

Mr. SETHNA, in moving for consideration of his Bill to amend the Transfer of Property Act, said the object was to clear the doubt that at present existed whether assignments without consideration of certain actionable claims—those, for example, which consisted in life-policies, were governed by Section 123 or by Section 130 of the Act. It stood to reason that when a man assigned his life insurance policy to his wife, or other relative, a mere written instrument ought to suffice, and that he should not be put to the trouble and expense of getting the instrument registered. But Section 123 was capable of an interpretation by which registration

might be made compulsory, though unnecessarily, in the case of written instruments transferring without consideration actionable claims. This inconsistency might be removed by adding an exception to Section 123.

At the instance of Mr. Chadwick certain drafting amendments to give effect to the intentions of the mover were made and the Bill as amended was passed.

Women's Franchise Rules.

On the 9TH SEPTEMBER Mr. CRERAR, in asking the acceptance of the Council of State to amendments being made in the electoral rules as recommended by the Majority Report of the Muddiman Committee explained the history of the case by quoting recommendations of the Joint Select Committee. These recommendations referred only to franchise, that is, to the admission of women to electoral rolls as voters. There was no reference to their standing as candidates either for local Councils or to the Central Legislature. The Joint Select Committee expressly contemplated that the initiative in this matter must come from the Legislatures. The electoral rules provide that on a resolution passed by the Council recommending sex disqualification for registration to be removed in respect of women the Government should make regulations accordingly. In so far as admission of women to the franchise to vote was concerned no further amendment of the electoral rules than contemplated in the present resolution, either in the case of Provincial Councils or in the case of the Central Legislature was necessary. If the disqualification in respect of standing as a candidate for the Council of State was proposed to be removed then there should be a specific and separate resolution and the Provincial Councils must also pass similar concurrent resolutions. So far Bombay, Madras, the United Provinces and Bengal had passed such resolutions and Burma stood on a different footing. If a resolution to remove that disqualification was actually passed in this Council then it would apply in the case of these Provinces and would not apply to the other Provinces unless and until the Councils in those Provinces also passed similar resolutions. The question was whether the Council endorsed the recommendations of the Reforms Enquiry Committee that the electoral rules should be amended in such manner that if this Council subsequently passed a resolution removing the restrictions regarding standing as candidates and if the necessary concurrent resolutions were obtained in the local legislatures that disqualification could be removed.

The resolution was subsequently carried.

Bounty for Steel Industry.

The Council then discussed a Government resolution proposing payment of a bounty to the steel industry up to Rs. 60 lakhs for 18 months from the 1st October, 1925, to the 31st March, 1927, the bounty being at the rate of Rs. 12 per ton.

Mr. Chadwick said the case for a bounty rested on three-fifths of the quantity produced by the industry and pointed out that if Rs. 60 lakhs were granted it would considerably help the industry to establish itself. At the same time there was need for a reduction of the works cost and if the Government's anticipations proved true the Tata Company would earn a profit very soon.

Non-official members gave general support to the resolution which was eventually carried.

Indians in South Africa.

On the 10TH SEPTEMBER the position of Indians in South Africa, with particular reference to the Areas Reservation and Immigration and Registration Bill, at that time on the anvil of the South African Parliament, was discussed in the Council of State on the motion of, Sir

Devaprased Sarbadhikari, who urged immediate steps to secure and safeguard the rights of Indians.

Mr. Natesan and Mr. Ramdas Pantulu described the Bill before the South African Parliament as a direct violation of the Smuts-Gandhi agreement, and, if passed, the rights and privileges of Indians both born and domiciled there, would be taken away. Mr. Karandikar said the prestige of the British Empire was involved. Sir Umar Hayat Khan suggested repatriation if the problem could not be solved otherwise.

Mr. K. C. Roy strongly supported the proposal for a round-table conference, first suggested by Mr. Thomson (ex-Colonial Secretary) and said there was a clear case for intervention by His Majesty's Government so that there could be a solution, not in the interests of Indians alone, nor in the interests of South Africa alone, but in the bigger interests of the British Empire.

Mian Sir Fazl-i-Husain accepted the motion and said that although the position was delicate, because South Africa was a self-governing Dominion, yet the door for negotiation was not still closed. When the Indian Government were negotiating for a round-table conference a bombshell, in the form of the Reservation of Areas Bill, was introduced in the South African Parliament. The Standing Emigration Committee, as well as Sir Devaprased Sarbadhikari and Messrs. Motilal Nehru and Jinnah were of opinion that the Indian Government should use its good offices for a better understanding between India and South Africa and not for the intervention of higher authorities in the internal affairs of South Africa. The Government of India had already expressed disapproval of the Bill to the South African Government, and would follow it up with a detailed representation. The Government would try to secure justice and fair play, and not concessions.

Age of Consent Bill.

The Council next passed the Age of Consent Bill as passed by the Legislative Assembly with a minor amendment. There was a heated debate on the proposed age-limit in the case of marital relations, but it was accepted by a majority.

The Reforms Enquiry Committee Report.

On the 11TH SEPTEMBER the Muddiman Report came up for discussion in the Council of State. Mr. CRERAR, Home Secretary, in moving the Government resolution for acceptance of the Majority Report asked the Council to see the problem in its true perspective not only of dimension, but of time. From the amendments to the resolution on the agenda it was clear that the leaders of all political thought in India had themselves definitely declared that the political progress of India must proceed on and be governed by these principles, but the Council must recognise the vast dimensions of the common enterprise. Durable institutions were of slow growth. He was not suggesting that India must wait for centuries to achieve her goal, but he pointed out that the inception of responsible government in India was not yet six years old.

There were legal and constitutional conditions inherent in the task itself. The first of these was sufficiently recited in the preamble to the Government of India Act, which states the fundamental doctrine of the responsibility of Parliament and that the time and manner of each advance can be determined only by Parliament. All responsible public opinion, however divergent in other matters, was agreed or, at least, was prepared to accept it as the basis of all practical discussion. "We must satisfy Parliament," said Mr. Crerar. "We must satisfy the tribunal that Parliament is to set up to examine and report on all claims and all evidence of every step that we propose should

be taken. We must use to the full all the resources in our possession, discarding none till its utility has been fully tried and found wanting. The co-operation invited and required by the Secretary of State and the Viceroy is not merely a stipulation made by one party to the negotiation, but a plain and candid statement of a fundamental condition for the solution of the problem which lies before us both, and without which neither can succeed. I, therefore, invite the Council to consider the resolution in this spirit."

Mr. SETHNA then moved his amendment, which was substantially the same as Pandit Motilal Nehru's amendment in the Assembly.

Mr. RAMDAS said his amendment was also on the lines of Mr. Sethna's amendment. He felt that the Government had no legal or moral right to continue to keep India as a dependency.

Sir Devaprasad SARBADHIKARI then moved his amendment suggesting a convention and otherwise materially covering the ground of Mr. Sethna's amendment.

Sir Alexander MUDDIMAN expressed disappointment at Mr. Sethna's speech. He regretted the reflection cast on the Maharaja or Bardwan who was one of the biggest zemindars in Bengal and had therefore as great a stake in the country as Mr. Sethna. He particularly regretted the prejudices against Indians who had been in the service of the Crown. If that was so continue India would not be as well served as in the past. The Minority Report had made only one recommendation, that the Constitution be ended and another Constitution be suggested by a Royal Commission. This House consisted of practical men, to whom he appealed to take a practical view of the situation.

Sir Maneckjee DADABHOY supported the Majority Report of the Muddiman Committee and regretted that he could not agree with the amendments of either Mr. Sethna or Sir Devaprasad Sarbadhikari. He did not want to discuss whether the majority was really a minority, but he accepted what was practicable and attainable, and not what was chimerical. The proposals of the Minority Report went beyond the scope and purpose of the Act, as their ultimate recommendation was the appointment of a Royal Commission. It was surprising that two signatories to the Minority Report should have supported the amendment of Pandit Motilal Nehru, because the proposals contained therein were matters for separate consideration and were irrelevant as amendments to the Government resolution, which had reference only to improvements in the Government machinery by rule-making powers. These amendments could not be moved constitutionally in the face of the preamble to the Act. The amendment asked for immediate full responsible Government, if not Dominion Government. Was it right or within the power of the Council of State to come forward with a catalogue of these formidable demands and ask by a stroke of the pen that the present Constitution should be set aside, and that a new Constitution should be given? Even the author of the Montagu-Chelmsford Report did not contemplate such a demand. Concluding, Sir Maneckjee said: I have a large stake in the prosperity of this country. I yield to none, not even to Mr. Ramdas, in my love of country, but I believe that the policy adopted in these amendments, which are intended to defeat the main resolution of Mr. Cramar, is unwise and short-sighted.

Sir William CURRIE said that the business communities wanted the politicians to inspire confidence in their sense of responsibility. Businessmen wanted peace and quiet to carry on their avocations. If politicians could prove within the next two years their real desire to co-operate and that the minority would be protected and that business could carry on

peacefully, then Indian's political aspirations would not be opposed by the European commercial community.

Mr. KARANDIKAR said the difference between the Majority and the Minority lay in that one depended on the preamble while the other on the right of India to determine the stages of her advance by herself. Why should the amendment frighten Parliament out of its wits? It was put forward loyally in the interests of Great Britain and of greater India.

Dr. Dwarkanath MITTER disagreed with Sir Maneckjee Dadabhoy that the amendment offered an ultimatum. He however believed that as destiny had placed them under British rule they must accept the position in the preamble and depend upon the good wishes of Parliament for a future advance.

After a few more speeches the Council adjourned for the next day.

On the 12TH SEPTEMBER the Council of State concluded the debate on the Muddiman Committee Report.

Mr. K. C. ROY moved the addition of the following rider to Mr. Crerar's resolution :—" And that he do consider and recommend the appointment of a Royal Commission, or any other suitable agency, not later than 1927." Mr. Roy said that several members of the Assembly, particularly Pundit Madan Mohan Malaviya, had urged the appointment specifically of a Royal Commission. The Home Member admitted the day before that if co-operation was forthcoming, there was no reason why the Commission should not be appointed earlier than 1929. Sir Basil Blackett had also, in another place, indicated the same view. Mr. Roy believed that co-operation was forthcoming, and that the Swarajists were doing useful work as members of the various committees and in the Assembly. Acceptance of the proposal would mean a great gesture on the part of His Majesty's Government, and he appealed to the Home Secretary to accept his amendment on behalf of the Government and thereby record the necessary gesture.

Sir Alexander MUDDIMAN, in opposing the amendment congratulated Mr. K. C. Roy on his wise speech. The date of the Royal Commission, he said, was not so important as what the Commission was to go into. That material was not available now. What was required was not the capacity of the electorates alone, tried even thrice, but the sense of responsibility shown by the members of all legislative bodies sent up by the electorates in working the existing machinery. As Lord Birkenhead had clearly pointed out, there must be evidence of a genuine desire to co-operate with the Government in making the best of the existing Constitution. No doubt the Council of State had co-operated, but the co-operation received in other quarters was not encouraging, especially in Bengal and the Central Provinces Legislative Council, where there was no attempt to work the Reforms granted by the Government of India Act. The test for an acceleration of constitutional progress must be facts; and the Government could not now commit itself to any date named in the amendment. The popular leaders should endeavour to bring the Royal Commission earlier by earnestly working the present Act fully and producing convincing material.

Sir Devaprasad SARBADHIKARI opposed the amendment because it implied acceptance of the preamble. Reference had been made to the necessity of working the present machinery fully, but there was a great divergence of opinion about the possibility of working Dyarchy.

Mr. K. V. Rangaswami IYENGAR also opposed the amendment because no Royal Commission was needed to find out what India wanted. India's demands had been repeatedly put forward and were already well known.

Mr. ROY withdrew, his purpose in eliciting the opinion of the House on the subject having been served.

Syed RAZA ALI moved a rider proposing that the Government should also take into careful consideration the recommendations contained in the Minority Report. He recalled that Sir Fazl-i-Hussain, as a Minister in the Punjab, had asked for the unitary system of government in the Provinces by the abolition of Dyarchy and partial responsibility in the Central Government. This showed the Indian view. Mr. Raza Ali however felt that both the Majority and the Minority had put their cases very well. The communal question was partly dealt with by the reports. He emphatically stated that the allegation that the Government was responsible for or promoted communal differences was entirely without foundation. Appeals had been made by the Government for co-operation and goodwill. Had not the Council of State supported the Government in the maintenance of law and order throughout? Had they not come to the help of the Government when the Assembly had rejected the Princes' Protection Bill, the Finance Bills of 1923 and 1924 and even the Special Laws Repeal Bill?

Mr. CRERAR regretted he could not accept the amendment, although he appreciated the courtesy of the observations made by Mr. Raza Ali. In a very few cases the majority went beyond the minority, and in others the minority went beyond the majority. The difference between the majority and the minority was largely one of method and expediency. Syed Raza Ali, in the first part of his amendment, wanted the Government to give effect to all the Majority recommendations. The Government would do this as they had been endeavouring to do, but it was difficult for the Government to accept the Minority Report, because the recommendations of the Minority had not been correctly understood. For, while accepting the recommendations of the Majority Report, the Minority, at the same time, stated that there could be no improvement without an enquiry by a Royal Commission. The Government could not commit themselves to the actual implications of this amendment, although the Government had every desire to show a spirit of reciprocity and good-will to the Council for the assistance it had rendered. The Government rejoiced that wise counsels had prevailed in the House and would rejoice still further if they prevailed still more by accepting the Government resolution as it was.

Mr. RAMDASS welcomed the amendment because it had given an opportunity for the Government to refuse Mr. Raza Ali's offer of co-operation except on its own terms. The attitude of the Government had shown to the Council of State that the co-operation which the Government often talked about was to be all one-sided.

Sir Alexander MUDDIMAN, replying, noted Mr. Ramdas's confession. The latter had supported neither the Majority nor the Minority. If Dyarchy had promoted communal differences, then it had brought the people to a sense of the realities of the situation. What was the cause of communal differences? The cause was that the power of the vote was being realised, and that the loaves and fishes of office were being divided and the people were getting familiar with hard facts. It was not by controversy, and not by speeches that these matters were brought to their notice, but by the hard logic of facts.

Mr. Raza Ali's amendment was rejected by 28 votes to 7. Mr. Crerar's resolution was then put and was carried by 28 votes to 7.

On the 14TH SEPTEMBER the Council of State dealt with official business. The Bill to amend the law relating to the carriage of goods by sea was passed. Mr. Chadwick briefly explained minor changes. He characterized the Bill as useful and said it was passed unanimously by the Assembly.

The Council then passed without discussion the Provident Fund (Amendment) Bill and the Opium Bill as passed by the Assembly.

The Coal Grading Bill.

Mr. CHADWICK next moved for the consideration of the Coal Grading Bill as passed by the Assembly.

Sir Maneckjee DADABHOY welcomed the Bill. The coal trade, he said, had been in five years. It was a matter of controversy now whether the Government were justified in putting an embargo on the coal trade. It was regarded by many that it ruined the trade. Coal was the basis of all industries in India and he congratulated the Government on their undertaking the proposed legislation. The Bill followed the provisions of the South African and Australian Coal Acts.

Sir Devaprased SARBADHIKARI observed that railway freights made it impossible for Indian coal to compete successfully with foreign coal even in India. He asked for a fresh assurance from the Govt. that the larger question of the coal trade would be referred to the Tariff Board at an early date.

Mr. CHADWICK, replying, thanked the Council for their support. The measure dealt with one section of the coal trade only and that was the question of the export trade. He repeated the assurance given by Sir Charles Innes in the Assembly that the question of the coal trade would be referred to the Tariff Board at the earliest opportunity, but as whatever the Tariff Board recommended would have nothing to do with the question of the export trade, he asked the House to pass the Bill.

After a minor drafting amendment moved by him had been accepted, the Bill, as amended, was passed.

On the 15TH SEPTEMBER Lala RAMSARANDAS'S resolution suggesting a special concession on coal freights in the case of journeys of 500 miles and above was carried by the House. The Government opposed the resolution, but did not challenge a division.

Use of Fire-arms.

Mr. V. RAMDASS moved for consideration of Mr. Rangachariar's Bill passed in the Assembly on the 9th September, providing that when fire-arms are used for dispersing an assembly, preliminary warning should in certain circumstances be given. Mr. Ramdass asked the House to remember that authors of this measure were not wicked Swarajists like himself—(laughter)—but Mr. Sastri and Mr. Rangachariar who could not be said to have been actuated by any desire to weaken the hands of the Government. He was aware that the Government would not allow its officers to inflict any more injury than was necessary, or to destroy human life, except to the extent that was absolutely necessary to avoid a greater danger to the community, but public feeling was strongly for the Bill. Mr. Ramdass explained the necessity of every section being included in the Bill in order to avoid unnecessary bloodshed, to protect innocent victims against the unlawful use of firearms.

Mr. CRERAR, while acknowledging Mr. Ramdas's persuasive eloquence opposed the motion, although the Government was in full sympathy with the humane consideration involved. What was wanted in regard to any riot was prompt, resolute, cool, responsible and intelligent action of an officer, but the Bill interfered with an officer in all these respects. It had been pointed out that this Bill was framed on the lines of the English Law. Under the Law of England every citizen had a positive obligation of taking the necessary initiative in suppressing disorder. The English Law also laid down that any person who remained after a proclamation had been read by a magistrate was a felon. The present Bill did not protect the law-abiding citizens, it did not certainly protect the officers, but it protected the rioters. The effect of the Bill was that not only the initiative of the officers would be gone and they would be reduced to machines, but the

Police would be prevented from attacking in certain cases a gang of dacoits whom they had laboured hard to pursue. Then, under the Bill a report was essential and must be submitted to the Local Government within 24 hours. In cases of riot it generally took three or four days to ascertain the facts. Of what value would a report be if it was prepared within 24 hours? Moreover, the report was to be a public document and could be used against the officer who prepared it, because the last sub-clause allowed prosecution against the officer without the permission of the Local Government. Could any officer report fact which he knew would be used against himself in a criminal court? There was no equity nor reason in the last sub-clause. By such a provision officers would be deprived of a measure of protection which they now enjoyed. In India the position in this matter was very different from that in England. Riots took place in which communal passions were roused and popular passions were inflamed. These feelings took a long time to subside, and while that exacerbation of feeling continued, while the odium of having fired was still there, Mr. Ramdas proposed to expose the officer to prejudiced attacks of those who might find it convenient to take advantage of the situation in order to take some revenge. If the Bill was passed it would discourage those who were responsible for the maintenance of order and be a source of encouragement to those who were out to break the law.

Eventually, after a long debate, the motion for consideration was lost without being pressed to a division.

On the 16TH SEPTEMBER the Council of State held its last business sitting when official business was transacted.

Bamboo Paper Protection Bill.

Mr. CHADWICK, in moving for consideration of the Bamboo Paper Industry Protection Bill, said that had it not been for recent developments which were indicative of the great potentialities of the bamboo paper industry at a moderate cost this Bill would not have been brought forward. The results obtained by the Niabati Mill out of bamboo pulp were very striking and it was possible that India would not only in the near future be self-supporting, but also be in a position to export paper to other countries. At present unless the bamboo paper industry was protected it would fail under the stress of foreign competition. If the industry did not make a success of their process then nothing would prevent the Legislature and the Government from withdrawing the proposed protection. As regards super-calendered paper being exempted from the protective duty, the Government would, through the departmental committee, consult paper manufactures and newspaper representatives.

Sir Maneckjee DADABHOY supported the motion because, as a Protectionist, he was in sympathy with an industry which needed their special commiseration, not only because it helped them during the war but also because it was a means of spreading knowledge. He, however, wanted to know why the preamble referred to protection for the bamboo paper industry only while the tenour of Mr. Chadwick's speech indicated protection to all kinds of the paper industry. He also wanted to know what would be the difference between the present revenue under 15 per cent. ad-valorem and a specific duty of one anna per pound.

Sir Devaprasad SARBADHIKARI doubted whether the proposed protection would be adequate when compared with the possibility of foreign manufacturers reducing their prices in order to dump their goods. Sir Devaprasad put in a vigorous plea on behalf of the smaller newspaper, especially the Vernacular Press when the Govt. took into consideration the question of exempting from the protective duty super-calendered paper.

Mr. RAMDASS supporting consideration of the Bill pleaded for a loan or subsidy to the Carnatic Paper Mill at Rajamundry, which according to the Tariff Board, should receive help if the success of the soda process on a commercial scale was to be decided.

The Bill was then taken into consideration and passed without alteration.

Sir Narasimha SARMA asked for consideration of the Limitation Act (Amendment) Bill as passed by the Legislative Assembly with the main object of extending the period of limitation in the case of certain suits from six months to one year. The Bill was considered and passed without alteration.

Standing Committees on Communal Legislation

Mr. CRERAR then moved: "This Council recommends to the Governor-General-in-Council that in order to give effect to the recommendation in Para. 120 of the report of the Reforms Enquiry Committee, the Indian Legislative Rules and the Standing Orders of this House be amended so as to provide as follows; (a) The standing committees, one to deal with Bill relating to Hindu Law and the other with Bills relating to Mahomedan Law, shall be appointed; (b) appointments to these committees shall be made by a committee of selection, the members of which shall be appointed at one of the first meetings of the Council to be held in each year, and should hold office for one year from the date of nomination; (c) the committee of selection, shall consist of the President and the Leader of the House, supplemented up to a total number of six members on a motion moved by the Leader of the House so as to represent the main divisions of opinion in this House; (d) the Standing Committee for Bills relating to Hindu Law shall consist of the Hon. the Home Member, the Hon. the Law Member (if they are members of the Council) and Hindu members, nominated by the committee of selection so as to include persons well versed in Hindu Law, and representatives both of the orthodox and reforming sections of the Hindu community; (e) the constitution of the Standing Committee for Mahomedan Law shall be similar to that of the Committee on Hindu Law, except for the substitution of 10 Mahomedan members for 15 Hindu members; (f) the members of each Standing Committee shall hold office for one year, but may be re-nominated by the committee of selection in successive years; (g) a Bill which has been referred to the Standing Committee or a special Select Committee in the House shall not be referred to the Standing Committee or special Select Committee in the other House; (h) as soon as leave is given to introduce a Bill other than a Government Bill, and subject to Para (g) as soon as a Bill other than a Government Bill which has been passed by the other House is laid on the table of this House, if the Bill is certified by the President to relate to Hindu or Mahomedan Law, it shall be referred to the Standing Committee concerned without further motion; (i) The standing committee shall have power to examine witnesses and to circulate a Bill, but when it directs circulation the fact shall be reported to the Council; (j) further procedure in the Council after report of the Standing Committee is received shall be the same as the procedure on receipt of the report of a Select Committee." The resolution was adopted.

Business having concluded the Council then adjourned till the next day, the 17TH SEPTEMBER, when H. E. the Viceroy addressed the Council and announced its dissolution.

Madras Legislative Council

MADRAS—3RD FEBRUARY 1925.

The election of the President of the Madras Legislative Council was held on the 3RD FEBRUARY when the Council assembled with a full attendance of members, Dewan Bahadur Swamikannu Pillay occupying the Chair. The first item on the agenda was the election of the President. Only two candidates stood for election, namely Dewan Bahadur Swamikannu Pillay and Rao Bahadur A. S. Krishna Rao.

After the President had announced the names of the candidates for election the House proceeded with the election which was done by ballot. Dewan Bahadur Swamikannu Pillay secured 64 votes and R. B. A. S. Krishna Rao 42. The election of Dewan Bahadur Swamikannu Pillay having received the approval of His Excellency the Governor Mr. Swamikannu Pillay assumed the Chair.

Judicial and Executive Functions.

On the 6TH FEBRUARY a resolution was moved urging the separation of Judicial and Executive functions with effect from the next official year. The Law Member pointed out that the matter was at present under the consideration of the Government of India and when their decisions were obtained the Local Government would give an opportunity to the Legislative Council to discuss the scheme. The resolution was thereupon withdrawn.

Revenue Collection in Tanjore.

The motion for the adjournment of the House to discuss the situation in Tanjore district owing to the collection of the enhanced rate of revenue was then discussed. Members from all sides of the House supported the motion, which on being put to the vote was carried.

The mover referred to the distress created by the recent floods in the district and the sorry plight of the ryots. He urged a reduction of $\frac{1}{2}$ per cent. in revenue in the case of all lands and the stopping of revenue collections for two months till a careful investigation of the condition of the district had been made and the remission applications filed by the ryots had been disposed of.

On the 7TH FEBRUARY the Council voted a supplementary grant of Rs. 65,000 under the Excise Department, and Rs. 1,23,827 for grants to local bodies for the repair of damage to roads caused by floods.

The Hon. Mr. C. P. Ramaswamy Iyer, Law Member, presented the report of the Select Committee, on recommendation, on the Bill to amend and consolidate the Madras Civil Courts Act 1873, and moved that the Bill as now amended by the Committee be taken into consideration. The Bill after discussion was passed into law.

Among the non-official business transacted on this day was the discussion on the resolution of Dr. C. Natesa Mudaliar recommending to the Government that at least 40 per cent. of the posts in both the lower and upper grades of the services under the Government be reserved for non-Brahmin Hindus, 10

per cent. for the depressed classes, 15 per cent. for Mahomedans, 10 per cent. for Indian Christians, 10 per cent. for Brahmins and the rest for representatives of other communities, and for recruitment by competitive examinations.

There were vehement speeches both in support of and against the resolution. The discussion was not closed when the Council adjourned till 2nd Mar.

The Financial Statement 1925-26.

On the 2ND MARCH, after interpellations, the Hon. Mr. R. A. Graham presented the Budget for 1925-26. In an introductory speech, he reviewed the position during the past two years, and pointed out how, after several years of deficit, it was possible for his predecessor to announce an estimated surplus of Rs. 11 lakhs at the close of 1923-24, but when the accounts of that year were finally made up, the position was found to be more favourable than had been anticipated, and the surplus amounted to Rs. 28½ lakhs, the whole of which was allocated to the repayment of the outstanding debt. The year 1924-25 started with the anticipation in that the revenue would exceed expenditure by Rs. 15'18 lakhs. Events belied the expectations formed one year ago. Unforeseen calamities, such as the occurrence of floods and the uncertain factors of excise revenue considerably affected receipts, leaving the estimated deficit at Rs. 32,36,500 at the close of 1924-25. The estimates of revenue for 1925-26 had been framed on a comparatively conservative basis, in view of the disappointment in the current year, the total result being an anticipated revenue of Rs. 16,51,79,100, or Rs. 20,72,000 more than the revised estimate for the current year, with an expenditure chargeable to revenue of Rs. 17,19,87,800 leaving a total uncovered revenue deficit of Rs. 88'03 lakhs.

Referring to the Transferred Departments, the Finance Member said that a total allotment of Rs. 24'66 lakhs had been made, of which Rs. 11'63 went to education. The Council might complain, he continued, in spite of the figures just given, that too little had been provided for nation-building. The Hon. the Minister for Local Self-Government would like to press on with the scheme for rural water supply and for the extension of medical aid. The Minister for Education felt that he had only made the first two steps towards universal education, and wanted to get on with the Andhra University, while the Development Minister had many proposals for the improvement of agriculture and the encouragement of industries. In fact, observed the Finance Member, even to finance the projects already embarked on there must be either additional taxation or retrenchment, which besides being unpopular, had already gone so far that if ingenuity could find further scope, it would be at the expense of efficiency. The only justification for the Budget lay in the hope of a diminution of contribution to the Government of India.

Referring to the proposed remission of Rs. 126 lakhs, he said they might combine thankfulness and congratulations to the Government of India and the controllers of their finances on their being in a position to give the Provinces this measure of justice, but he added that it must not be supposed that there remained nothing to be done. They had not yet got the remission. They had only the proposals of the Government of India, in which they contemplated inviting the concurrence of the Assembly, and until all the processes necessary had been completed, their figures could not be altered, and they must remain with a deficit Budget. They had ample warning

that there were powerful interests at work to raid their surplus, or to divert it to other uses. They were able to exercise great influence in the Assembly. They were well organised and had the services of skilful propagandists in the Press and on the platform, but to put it baldly the choice now was between the needs of the people and the profits of the millowners, and so long as the issue was kept clear, he could not imagine that there would be any hesitation as to which was to be preferred. He believed that there would be such strong and unanimous expression of opinion on this matter as to show their representatives at Delhi that there was no lukewarmness or weakness here. He said: "The responsibility will lie with them, and they are not likely to treat it lightly. They will be heartened by the assurance that we shall accord full recognition to the steadfastness with which they will have to reinforce their patriotism, if they are to stave off all attempts to diminish or retard the rectification of the injustice from which we have so long suffered."

GENERAL DISCUSSION OF THE BUDGET.

The general discussion of the Budget which was begun on the 4th March was continued till the 6TH MARCH and concluded on that day after the Government members had replied to the non-official criticisms regarding various aspects of the Budget.

The Chief Minister, in the course of his reply, said that the reduction of the Provincial contribution depended on the passing of the Finance Bill of the Government of India, and expressed the hope that the Madras members of the Assembly would do their duty towards the Madras Presidency.

The Minister for Excise, replying to the demand for excise reform and the introduction of prohibition, said that the problem was entirely one of revenue, and, if the members could suggest a new source of revenue to replace excise revenue, the matter would become practical for solution.

After other members had replied the Finance Member replied on the debate. Referring to the Bombay Council's protest on the subject of the reduction of the provincial contribution he characterized the Bombay members as great believers in the game of bluff. Those that were interested in the abolition of the cotton excise were not likely to slacken their efforts, and he sincerely hoped that the Madras representatives in the Assembly would carry on their righteous work of reducing the Provincial burden until in the course of the next few years the iniquitous impost was completely wiped out.

Voting on Budget Grants.

The Reforms Enquiry Report.

The Voting on Budget Grants commenced on the 16TH MARCH when an adjournment motion brought forward by the member for Coimbatore to discuss the unsatisfactory character of the Muddiman Committee Report was discussed and was carried unanimously. Government members refrained from participating in the discussion or voting. Non-official members, Swarajists, Independents, United Nationalists and Ministerialists joined in condemning the Report as unsatisfactory, retrogressive and disappointing. The mover referred to the Majority recommendation as amounting to a stab from behind. He appealed to the parties in the House to join together in condemning the Report and requested

the Ministers to decline to accept responsibilities of office unless their demands were granted fully.

Another member saw in the Majority Report evidence of mistrust of the British in the capacity of Indians for Self-Government and enmity of the bureaucracy towards further constitutional progress.

Mr. Ramaswami Mudaliar, a prominent Ministerialist, in condemning the Report expressed the hope that it was not the last word. On the question of the further constitutional advancement in India he said that he and his party and all Constitutionalists in India who had given genuine proof of their bonafides in the working of the Reforms found that Dyarchy was unworkable and that an immediate change in the constitution was necessary. He wanted the British Government and British statesmen to take a larger view of the situation in India where the political consciousness of the people, both classes as well as masses, had developed to a remarkable degree and further reforms had to be initiated immediately, for the Constitutionalists would have to be expunged altogether. Referring to communal and racial differences existing in the country he said that such differences existed even in England and Ireland, and these could not be held to be a bar to political progress.

Sir K. V. Reddi, ex-Minister, strongly condemned the Majority report and said the Committee had not moved even an inch in the direction of further Reforms. The motion was carried and the Council adjourned.

Land Revenue Administration.

On the 17TH MARCH the Council voted Government demand of Rs. 254,51 lakhs for Land Revenue Administration subject to the reduction of Rs. 1,20,000. Government policy in regard to the introduction of Land Revenue Bill in local Legislative Council and other matters such as resettlements in certain districts etc., were discussed before demand was disposed of by token motions and a substantial cut amounting to Rs. 1,18,000 was effected from the sum by the House by refusing the provision for the Board of Revenue and urging its abolition.

Excise Policy Attacked.

The Minister for Excise next moved his demand for Rs. 42,38 lakhs for excise administration. Rao Bahadur C. V. S. Narasimha Raju, leader of the Opposition, proposed to cut down this sum by omitting the provision for excise officers. He pointed that this was merely a token motion and his party might agree to the cut being reduced to a smaller sum. In order not to hamper administration their object in bringing this motion was to express want of confidence in the Minister for Excise in the matter of excise reform. He then went into vigorous criticism of the Minister's policy, in that there had been no active attempt made to put down drink evil during the last four years and a half. He held that while Bombay, United Provinces and Calcutta had moved forward in the matter, however haltingly, Madras had done nothing beyond constituting advisory committee.

The hon'ble Mr. Patroin replying characterized the mover's attempt as a party move after the Hon'ble Minister enumerated various measures initiated by him in the reduction in drink evil in this presidency. There was a reduction of 2000 in total number of Arrack and Toddy shops and the price of liquor had been raised while steps were also taken to reduce the strength of liquor. Import duty on foreign liquor had been raised. Besides several restrictions were imposed in the location of the shops and their closing at a particular

time of the day. All these measures had resulted in reducing consumption and loss of revenue to the extent of two lacs. He held that the measures taken in the direction of excise reform in Madras were far in advance of Bombay. The system of licensing boards with non-official presidents was also being tried and the Minister expressed hope that such measures as he had enumerated would lead them to the goal of prohibition. With regard to the adoption of a rationing system he quoted from the Administration report the opinion of the Bombay Government with regard to its working and said he would not recommend the adoption of that system in Madras. He concluded with a few remarks on the financial aspects of the matter.

On the 18TH MARCH Mr. Satyamurti led the debate for opposition on Mr. Raju's motion of want of confidence in the Excise Minister. The speaker held that the Excise Minister had made no earnest move forward during the last twelve months for bringing down the drink evil and he had not initiated any policy tending to reform. He was also party to ruthless campaign of repression which was launched against temperance workers in the days of non-co-operation. With regard to finding fresh source of revenue the speaker held that it was unfair to throw responsibility on the Council which was not in confidence of the Finance Member.

Mr. O. Thanickachalam Chetty in opposing the motion characterised the present motion as a bid for office without convincing credentials. Turning to the work of the minister he pointed out there had been reduction both in consumption and number of persons going for drink since 1921.

Dr. John Mathai opposing the motion said while he recognised the increased need for temperance reform, the cause they advocated was not likely to make any move forward unless those interested in it gave sufficient thought to complex financial issues involved.

Sir James Simpson opposing the motion said they could not make people sober by act of legislature. In his opinion steps advocated could not take them nearer to goal.

Mr. C. R. Reddi supported the motion and appealed to the Muslim and nominated members to vote with the opposition basing their action on record of ministry.

Mr. A. Ramaswami Mudaliar, a prominent Ministerialist, then spoke supporting the Ministry after which the motion was put to the vote and declared defeated by a large majority of 73 to 31 votes with the result the motion of no confidence in the Minister was turned down into one of confidence by a large elected majority of votes.

After the excise demand was disposed of the Council proceeded to discuss the grant relating to stamps and voted the sum fully subject to nominal reduction of rupees one hundred.

Governor's Household, Staff and Bodyguard.

On the 21ST MARCH, the House proceeded to discuss a grant relating to the Governor's staff and household. The question of appointing an Indian as Private Secretary to the Governor was raised. It was pointed out that such an appointment was desirable with a view to keep His Excellency in touch with the Indian view. A Christian member said that in view of the existing clash and suspicion between the various communities it was desirable to have a European Private Secretary who would be above such suspicions and prejudices and would command the confidence of all communities. The motion was rejected.

Another motion urged the abolition of the Governor's bodyguard on the ground of economy. It was pointed out on behalf of Govt. that even in democratic countries such paraphernalia was recognised as emblems of dignity and the bodyguard had distinctive popular value. The proposal was rejected.

The Hydro-Electric Development.

The Hon'ble Mr. C. P. Ramaswami Iyer then placed his statement in the Council regarding the Government's policy and programme in the matter of the Hydro-electric development in the Presidency.

After referring to the schemes embarked on by the Bombay and Punjab Governments he said that Madras had great possibilities and was well-suited for these enterprises. Referring to the Pykara scheme on the Nilgiris he pointed out that it would cover areas in four districts and was capable of linking up a number of hydro-electric centres in this Presidency. This scheme would cost three crores of rupees and fifty lakhs would be required for initial expenses. The member was convinced that in the development of this enterprise lay the industrial future of the country. With regard to the ways and means of making a start he suggested the formation of a registered company under the Trade Facilities Act of England. With reference to the question whether sufficient capital could not be raised locally he said nothing would be better, but that was not likely. In conclusion, he said that a comprehensive statement on the subject would be prepared and placed before them before July, and that Government would not find any decisive step until then.

Reduction of Executive Strength.

On the 23RD MARCH two non-official motions proposing small cuts in travelling allowances and establishment of the Executive were carried. The former urged the desirability of reducing the strength of the Executive Council from four to three or two on the ground that there was not enough work for four Executive Council Members, and some of the portfolios, for political and economic reasons, could be transferred from the reserved side to the Ministers. The second motion raised the question of reducing the salaries of Executive Council members on the ground that this country being too poor could not afford to pay at the present scale. Both motions were carried.

Another motion for omitting the allotment for the Staff Selection Board gave rise to a heated debate. The motion was brought by ministerialists who pointed out that the non-Brahmin Hindu community was not adequately represented on the Board and that they being the majority community had the right to control the work of the board.

The Finance Member speaking on the motion said that the staff selection board was intended to eliminate patronage and to give equal opportunities to all communities. The motion was put to the vote and resulted in a tie, thirty-five members voting on either side. The president gave his casting vote against the motion in favour of retention of the allotment.

Reduction of Ministers' Salary.

On the 24TH MARCH the Council rejected the motion for reducing the Ministers' salaries without division. In attacking the motion for reducing the Ministers' salaries some members observed that the Opposition proposal, if accepted, would seriously impair the dignity of the Ministers. The House once thought that the Ministers' salaries should be fixed at four thousand a month. The Ministers had voluntarily

agreed to that proposal and now the Opposition wanted their salaries to be reduced still further. They urged that it would not be consistent with the dignity of the House, if such motions were repeatedly to be brought before the House. The Opposition replied that the sponsors of the motion in fixing the amount at three thousand and five hundred were more generous than the Muddiman Committee and Lord Lytton. They raised the question for retrenchment and believed that the Ministers should set an example in the matter. The motion was rejected.

Reduction of High Court Strength.

The motion urging reduction of the strength of the Madras High Court was discussed in connection with the Budget demand for the High Court.

The Member for University raised the question on the ground that the present strength was unnecessarily large and wanted the number of judges to be reduced from 14 to 12.

The Law Member observed that he could not accept the proposal without prejudice to the interests of litigant public in view of arrears which had accumulated and the question could be considered when the arrears were disposed of. The motion was pressed and carried by a majority of votes.

Administration of Jails.

On the 26TH MARCH interesting question relating to Government's Jail Policy were raised in the Council and the Home Member's demand for Rs. 30'14 lakhs for administrations of Jails was agreed to subject to the reduction of rupees one lakh one hundred. The reduction was effected under two motions. The first one was a token motion proposing a cut of Rs. 100 to request Government to do away with racial discrimination in the matter of diet between Europeans and Indians. The second motion was raised for the purpose of economy by reducing the allotment by one lakh. Two members including the Deputy President of the House while speaking on this motion voiced dissatisfaction of the House in regard to the Government's policy regarding M. P. Narayana Menon (Hindu Congressman) who was convicted for complicity in the Moplah rebellion and whose release was urged by the Council last year by means of a resolution.

The Home Member in explaining the position of the Government said it would be very unfair to single out Narayana Menon for release while hundreds of Moplahs, most of whom his followers, who were convicted for minor offences, were still in the jail. Such course was likely to create resentment in Moplah circles. The Home Member understood that Moplahs in the rebellion area were not in favour of his release. Both the motions were, however, carried.

The Police Budget.

The Hon'ble Mr. C. P. Ramaswami Iyer next introduced the Police Budget. A nominal cut was proposed by a member to urge reduction in strength of the City C.I.D. staff. The Law Member pointed out that the staff was not unnecessarily large and was too small compared with other cities. With regard to the charge that every political worker was being shadowed and tracked by two constables the Law Member held it was a very exaggerated statement and could not be true. The motion was lost.

On the 27TH MARCH during the discussion on the Police Budget several members criticised the Government's policy in regard to the Special Police which are posted in Malabar and East Coast areas. A sum of rupees 3,67,300

had been provided in the budget for the maintenance of these special forces in the rebel areas of Malabar and the Agency tracts and a reduction of one lakh in the provision was proposed on the ground that there was no necessity for keeping these special forces in the areas concerned at the proposed strength. This motion was carried by 32 against 30 votes and the demand for police administration (Rs. 153.97 lakhs) was agreed to subject to reduction of one lakh.

The Council next voted 9'07 lacs for education reserved ; 151'11 lakhs for education transferred. All the remaining demands were put from the chair and agreed to without discussion.

Governor Certifies the Police Budget.

On the 30TH MARCH the President read a message from the Governor certifying certain items of the Budget provisions as being essential for the discharge of his responsibility for the administration. These provisions were adversely voted upon by the Council during the Budget debate and relate to the abolition of the Official Receiver, the reduction of the number of High Court Judges, the abolition of the Board of Revenue, and the disbandment of the Special Police.

The Leader of the Opposition in making statement said that in view of the certification of certain Budget provisions against the wishes of the House, his party had decided not to attend the day's proceedings. He requested the President not to take their actions as disrespect shown to the Chair, the House or the Government. He then withdrew.

The Remitted Provincial Contribution.

The House next considered the supplementary grants and when a few demands had been disposed of, the member from Kistna moved that further demands be adjourned till the Government had considered in the Cabinet the question of the disposal of the Rs. 1.16 lakhs derived from the remission of the Provincial contribution. The mover was interested in the allocation of sufficient funds for the nation-building departments. He was supported by several other members and the remaining demands was carried.

Cochin Port Trust Bill

The Finance Member next introduced the Cochin Port Trust Bill, providing for the regulation, conservancy and improvement of the Port of Cochin. The Bill proposed to constitute a Board of Trustees to carry out the provisions of the Act consisting of 10 to 15 members, including the Chairman and the Vice-Chairman, as the Local Government may notify, two Trustees elected by the Cochin Chamber of Commerce, one by the United Planters' Association of Southern India, two trustees appointed by the Local Government and two Trustees nominated by the Cochin and Travancore States each. Not less than two-fifths of the number of Trustees shall be Indians and no person shall be qualified to be a Trustee if he is not a British subject of an Indian State. The Bill was referred to a Select Committee.

On the 31ST MARCH the Council discussed non-official business. One non-contentious Bill of purely local interest relating to municipal affairs was passed and two other similar bills were introduced.

Mr. Satayamurthi's Bill to amend the President's Salary Act, providing for the President of the Council to be a whole-time officer, who should not engage himself in any other remunerative work, was postponed to next

session on the advice of the Hon. Mr. C. P. Ramaswamy Iyer, leader of the House, who suggested that the question be considered by a conference of leaders of all parties in the House with a view to introducing a Bill to which the House could consent unanimously.

Loans to Malabar Planters.

A member from Malabar moved adjournment to raise a discussion on the Government's proposals to write off loans given to private individuals and planters, so far as such proposals related to loans of Rs. 1,000 and above and the payment of Rs. 41,000 to Poliankode Rubber Estate (a European concern) in Malabar on account of losses suffered during the Moplah rebellion.

This matter was the subject of a lively discussion. The mover and his supporters complained that, while the Government extended their help to the estate referred to and some other individuals, hundreds of other sufferers were left in the cold. They would have had no objection if the same treatment had been meted out to all people concerned, irrespective of race or position on the mere merits of the cases. They held that the Government's policy underlying this matter was questionable. The motion of adjournment was carried.

The Houses next proceeded to discuss the resolution relating to the appointment of a committee of officials and non-officials to enquire into and suggest measures to put a stop to the existence of corruption amongst public servants of all grades.

The Law Member pointed out the impracticability of the proposal and pointed out that individual cases were receiving the attention of the Government. The resolution was rejected.

On the 1ST APRIL the Council held its last meeting of the present session. The resolution for the appointment of a committee to inquire into the grievances of non-gazetted officers was carried after prolonged discussion.

The next important matter discussed related to the excise policy of the Government, and a resolution was moved that the excise policy should be radically changed and immediate steps should be taken to secure a substantial reduction in consumption of intoxicants in the presidency at once, and total prohibition in the near future.

The Minister for Excise gave assurance that he would give the House opportunity to discuss the report of the Excise Committee before orders are passed on it and the resolution was thereupon withdrawn.

The House then adjourned sine die.

Autumn Session

MADRAS—18TH AUGUST 1925

The autumn session of the Madras Legislative Council commenced on 18TH AUGUST in the Council Chamber, Fort St. George, Dewan Bahadur Swamykannu Pillay presiding. There was a large attendance of members.

Governor on Hydro-Electric projects.

After the new members had taken the Oath of Allegiance, H. E. the GOVERNOR addressed the Council. His Excellency referred to the loss which the Council and the Presidency in general had sustained in the death of one of their foremost citizens (Sir T. Chetty), who was at one time a familiar figure in the Council.

Passing on to other matters His Excellency said :—"The Hon. Members will share with my Government the satisfaction we feel that, as a result of the conclusion of

negotiations with Mysore, we were enabled to obtain the sanction of the Secretary of State to the construction of a project which will not only help to irrigate over 300,000 acres of fresh land, but will also protect and safeguard the existing irrigation system in Trichinopoly and Tanjore districts.

"Before I leave this subject I should like to congratulate my colleague, Sir C. P. Ramaswami Iyer, and all those who have worked under him, on the success that has attended their, unflagging efforts to promote one of India's greatest irrigation projects. It is the object of my Government to initiate and push through as expeditiously as possible certain schemes for the cheap production of power from hydro-electric centres.

"The most promising of the scheme is the one in relation to the Pykharu water-falls, which the Government are anxious to inaugurate, not only because of the natural facilities of the particular locality, but because for various reasons it will, in our opinion, be the best object-lesson to the people at large of the advantages of cheap power.

"Certain negotiations which have been pending for the purpose of enabling the Government to re-acquire control over water-power in the locality, and to re-purchase the concession that had been granted by the Madras Government before they envisaged schemes for the utilisation of such power have just now been happily concluded, and, I trust, that it will be possible to start work at a very early period.

"The Hon. Members of this Council will also be interested to learn that a joint investigation of hydro-electric possibilities in South India is now being carried on by the Government and the South Indian Railway Company, and if, as is hoped, the results of such investigation are favourable, the subject of the electrification of a part at least of the South Indian Railway will come within the range of practical politics. Such electrification will not only be of great use from the railway point of view, but will establish centres of distribution and utilisation of our power resources."

After the Governor's speech demands for supplementary grants under various heads were discussed and disposed of.

Mr. Iyengar's Adjournment Motion

The President announced before the House adjourned that the Governor had disallowed Mr. Venkataramana Iyengar's adjournment motion regarding Lord Birkenhead's speech on the ground that the subject matter of the motion was not the primary concern of the Government.

Consequent on the Governor's message disallowing the motion relating to Lord Birkenhead's speech the Nationalists in the Legislative Council held a meeting and decided to oppose the first motion for a grant on the Reserved side. Accordingly when the Home Member moved a supplementary grant, Mr. Venkataramana Iyengar raised the question of Lord Birkenhead's statement.

Mr. Ramaswami Mudaliar on behalf of the 'Justice' party said that all parties were agreed in the view that the statement was a very disappointing one, but the question of the Secretary of State's statement was too important to be raised on the motion for a supplementary grant. He therefore appealed to Mr. Venkataramana Iyengar to withdraw his motion, as he had virtually gained his object in drawing attention to it.

The motion was not pressed and the grant was made.

On the 19TH AUGUST, on Mr. A. Ramaswami Mudaliar's motion, the Government was recommended to appoint a Committee of the House to examine Mr. Courtenay's report and evidence and to sift further evidence, if necessary, on the question of advising the Government to expunge the passages from the public records and the reflections cast on Mr. Kanva Pillay, the Deputy President of the House, in the report of Mr. Courtenay, and the Government order thereon. The motion was carried.

On the 20TH AUGUST discussion was resumed on the Madras Borstal Bill providing for the establishment and regulation of Borstal schools in the presidency for the detention and training of adolescent prisoners. The Bill was referred to a select committee.

Sir A. P. Patre then moved the introduction of the Andhra University Bill and made a lengthy speech dealing with the reasons for constituting a university, its aims and special features. Next day, the 21ST AUGUST, the first reading was passed and the Bill was referred to a Select Committee.

There was a heated discussion on the motion of the Development Minister for applying certain provisions of the Cotton Transport Act restricting the exportation of cotton from some of the cotton producing areas of Madras Presidency. Members from the cotton producing districts objected to the proposal on the ground that it would adversely affect the interests of the cotton growers. Further discussion was, therefore, postponed.

On the 24TH AUGUST the most important Bill on the agenda was one by the representative of the depressed classes to amend the Madras City Tenants' Protection

Act, 1923. The mover pointed out that the Bill sought to rectify certain omissions in the original Act by providing reasonable compensation for all improvements effected by tenants on the land, and the fixing of a fair rent. After a short discussion the Bill was referred to a Select Committee.

Moplah Colonisation in Andamans

Mr. Uppi, Moplah member, moved a resolution urging the suspension of the scheme to colonise the Andamans with Moplahs and urged the appointment of a committee of non-official members of the Council to visit the Andamans and report on the conditions prevailing there.

The discussion of Mr. Uppi's resolution was taken up on next day, the 26TH AUGUST when several members supported the motion and condemned the scheme on moral, social and physical grounds. The Government members, however, repudiated the suggestion that in embarking on this scheme the Government were actuated by a political motive to deplete Malabar of Moplahs and maintained that it was a humane scheme to promote the interests of the Moplahs concerned. The resolution was carried.

The Council also passed a resolution urging the appointment of a committee to hold an investigation into the problem of unemployment in the Madras Presidency and report suggesting remedial measures.

On the 26TH AUGUST the Council resumed discussions on the motion of the Development Minister approving the notification and rules issued under Sections 3 and 7 of the Cotton Transport Act of 1923. The object of these notifications and rules was to declare certain cotton growing areas in the Madras Presidency as protected areas to prohibit the importation of cotton into those places from the neighbouring areas with a view to preventing the adulteration of high class Combedia cotton with inferior varieties. The motion with slight amendments was passed.

On the 27TH AUGUST the outstanding demands for supplementary grants were discussed after the usual interpellations.

The Minister for Local Self-Government moved a grant of Rs. 635 lakhs for distribution among local bodies to improve the water supplies in the rural areas. The Minister pointed out that the necessity for liberal contributions to local bodies for improving the sanitation and water supplies in the rural areas was strongly felt in the past, but owing to financial stringency the Government could not do much in the matter. They were enabled to make the present provision out of the remission of the provincial contribution. The grant was voted.

After the remaining items on the agenda had been disposed of the Council adjourned till the 28th October.

MADRAS—28TH OCTOBER 1925

After a prolonged recess the Council met on the 28TH OCTOBER, the newly elected President, Mr. Ratnaswami Pillai, occupying the Chair.

After the day's interpellations were over, the member from Coimbatore moved the adjournment of the House with the object of discussing famine conditions in Coimbatore and measures of relief. The President having admitted the motion the matter was discussed later in the afternoon when the adjournment motion was carried after a full discussion. The mover drew a vivid picture of the sufferings of the people in the affected villages in respect of food grains, fodder and drinking water, and requested the Government to place a sum of Rs. 30,000 in the hands of the Collector for their relief.

The Andhra University.

Dr. U. Rama Rao next presented to the House a petition signed by a number of persons requesting the House to exclude Bellary from the jurisdiction of the proposed Andhra University and to allow the district to continue under Madras University till the establishment of Karnataka University.

Sir A. P. Patro moved for the second reading of the Andhra University Bill.

Sir Venkata Reddy moved an amendment to the effect that the University be called the Teinga University. The amendment was defeated by a majority of two votes.

The Minister for Development and most of the Ministerialists supported the amendment, but the Government with the exception of the Minister for development remained neutral.

Minister's Unconstitutional Remark

On the 30TH OCTOBER, after interpellations, the Leader of the Opposition moved for adjournment to call attention to a definite urgent matter of public importance, namely, "the inappropriate and unconstitutional observations recently made by the Minister of Education before the South Canara Christian League at Mangalore and the Moplah deputation at Calicut, purporting to suggest them to send a particular type of representative to the Legislative Council if they expected favours from the Government."

Speakers, supporting the motion, pointed out that the remarks of the Minister were unparliamentary and against the rules laid down by the Government of India Act. They admitted that Ministers had a right to address party meetings to elucidate party policy, but objected to them making use of their official position for electioneering purposes and making such remarks to deputations.

Sir A. P. Patro explained that the remarks attributed to him were inaccurately reported and that they were made, not in reply to a deputation, but in the course of a friendly conversation. He claimed for himself the right of an elected member to express his individual views on political subjects.

Mr. Moir said that the speeches made revealed that there was a good deal of misconception in the minds of members, but Sir A. P. Patro's statement had convinced him that he had not violated the rules.

Sir C. P. Ramaswami Iyer, appealed to the mover to withdraw the motion in view of the statement made by the Minister. The motion was accordingly withdrawn.

Andhra University Bill

On the 30TH OCTOBER, at the resumed discussion on the Andhra University Bill in the Council an amendment, giving power to the Local Government to exclude by notification any area of institution from the operations of the Act, was accepted by the Minister in charge of the Bill and carried.

Amendments for excluding Bellary, Anantpur, Cuddapah and Kurnool, which comprise the Ceded Districts, and also for the exemption of Ganjam (Oriya District) were lost. Further discussion on the Bill was adjourned.

Officials and Political Controversies

On the 30TH OCTOBER another motion for adjournment was made, the object being to discuss the question of the alleged growing tendency among public servants in the Province of taking part in political controversies and expressing opinions on acutely controversial subjects as illustrated by recent speeches of the Collectors of Ramnad and South Arcot and certain observations by the Commissioner of Police, Madras, in his administration report.

The motion was brought by Mr. A. Ramaswamy Mudaliar, a Ministerialist, who read extracts from Commissioners' report which stated, inter alia, "the Congress Party was not much in evidence. The Swarajist party gained strength and was able to capture seven out of nine vacant seats in the corporation. In the Legislative Council a few members of this party made themselves conspicuous. The Unity Conference at Delhi helped to bring together various parties and the new Ordinance in Bengal gave an unexpected impetus to the cry for unity. The non-Brahmin movement showed signs of decay."

These observations, the speaker contended, were out of place in a Police administration report. The second charge related to remarks made by the Collector of South Arcot in a speech on the occasion of opening the hall of the District Board. The Collector was said to have stated that communal electorates were only ephemeral. The third charge related to remarks made in the course of a speech by the Collector of Ramnad criticising the present educational system.

A lively discussion followed and the motion being talked out the Council adjourned.

The Andhra University Bill

On the 2ND NOVEMBER, after interpellations, the House proceeded with the discussion of amendments to the Andhra University Bill. The discussion mainly centred on the exclusion of certain non-Telugu areas, such as Bellary District and certain portions of Ganjam District, and the idea of concentration involved in the Andhra University scheme. It was contended that the idea underlying the university scheme was to foster and improve the Vernacular of Andhra Province, which was Telugu, and that non-Telugu areas should, therefore, be excluded from the operation of the Bill.

The idea of concentrating university life in a few centres, as was proposed to be done under the Bill, was also opposed on the ground that the educational interests of a vast area of Andhra Province would suffer. Both the amendments were, however, lost.

On the 4TH NOVEMBER the debate on the Andhra University Bill was resumed. After a prolonged discussion the House, by a majority, decided to have Benavata as the headquarters of the University on the ground that it enjoyed a central position. The claims of Rajahmundry, one of the University concentration centres, were strongly pressed on the plea that the largest amount of academic atmosphere in the Andhra country was focussed there. Visagapatnam was also mentioned as a suitable place for the location of the headquarters if Rajahmundry was rejected.

Another amendment, to throw open the office of Vice-Chancellor of the University for election by the Senate was also rejected.

On the 6TH NOVEMBER the Andhra University Bill was passed *into law*. The Leader of the Opposition opposed the motion for final reading of the Bill on the ground that the basic principle of the Bill, namely, concentration, had been violated by acceptance of a clause providing for the growth of first-grade colleges in centres other than those decided on according to the principle of concentration.

Members, C. R. Reddi and Satyamurthi also criticised the provisions of the Bill. Mr. T. E. Moir, referring to the financial aspect, observed that no statutory provision had been made in the Bill, but the matter would receive their fair and impartial consideration.

The Minister for Education, in winding up the debate, expressed the hope that the new University education in Andhra Desa would proceed on sound lines and promote Andhra culture in the true national spirit.

Sir C. P. Rameswami next introduced a Bill to amend the Indian Ports Act, 1908, in its application to Madras Presidency. Under the definition of "vessels" in the present Act motor boats escaped from payment of port dues. To avoid such a contingency the present amendment of the Act is proposed. The Bill was passed.

Supplementary Grants

The House next discussed motions for supplementary grants. On the motion of the Home Member the grant was made of an additional sum of Rs. 85,000 under Forest Reserves for the establishment of three saw mills which are intended to supply 300,000 sleepers to the South Indian Railway during the year. Certain members urged the Government to inductees the Forest Service and appoint Indians as Conservators of Forests.

The Home Member pointed out that out of 11 appointments made during the year to higher posts ten were given to Indians.

Another grant of Rs. 2,40,500 was also made to the Government for the purchase of two buildings in Bellary to be used as jails, one of which was to accommodate prisoners suffering from tuberculosis. In the course of the discussion it was elicited from the Government that the Andamans scheme for colonisation of Moplah prisoners had been temporarily suspended and the Local Government was in correspondence with the Government of India with regard to the constitution of the Committee as urged by the Legislative Council to enquire into the scheme.

The House, by a majority, granted a sum of Rs. 1,65,000 to the Government for the purpose of loans to the Madras Hindu Religious Endowment Board, which required this amount to meet its initial expenses and establishment charges, and also to defray legal expenses in defending some suits against it.

On the 7TH NOVEMBER the Council passed a number of supplementary demands for grants.

The principle of communal representation as applied to educational institutions was opposed by some members, with special reference to the Madras Medical College, on the ground that the tax-payers' money should not be utilised for the advantage of a particular community. It was pointed out by one speaker that in the Madras Medical College two-thirds of the accommodation was reserved for non-Brahmins.

One member defended the Government's policy in the matter of reservation on the ground that the community for which seats were reserved was not so well advanced in education that it required special facilities; and also on the ground that this community constituted more than 90 per cent. of the population of the Presidency.

The Council then adjourned till the 14th December.

On the 14TH DECEMBER, after questions, Mr. Satyamurti's motion for the adjournment of the House to discuss the Government's nomination to the Madras Corporation of Mr. Thanikachalam Obettiar, who was defeated at the election, was disallowed by the President, who stated that the purpose could have been achieved by moving a resolution.

Mr. Krishnan Nair's motion for adjournment for discussion of the policy of the Government in issuing an order prohibiting Exhavas and others from entering the streets

of Kalpathi during the car festival there, between the 15th and 16th November, was also disallowed.

Sir C. P. Ramaswamy Iyer, the Member-in-Charge, stated that the order was to have effect only during the car festival; that it was not intended to question the right of any community to enter the public highways and was only to preserve law and order. The Government left the matter to the discretion of the local officials. The Government were satisfied that there were possibilities of a disturbance at that time at Kalpathi, necessitating the promulgation of such an order. The Government policy was always to maintain the principle that everyone of His Majesty's subjects had the right to pass through the public highways, but they held that where the right pertained to a particular road, it had to be established by regular judicial proceedings.

The Council then proceeded with the introduction and discussion of certain non-official amendment Bills to the Madras Local Boards Act, the Madras City Municipal Act, and the Madras District Municipalities Act, but all the amendments were lost, except one by a member representing the depressed classes, who moved to amend the Madras Local Boards Act in order to give statutory effect to the Government order allowing any person belonging to any class or community to walk through any public road, street, or pathway in any town or village, and giving any person belonging to the depressed classes access to the premises of any public office, well, tank, or places of public resort, and to places and buildings where public business was transacted.

The amendment Bill was read for the first time, and referred to a Select Committee.

On the 16TH DECEMBER the Council took up the Madras Borstal School Bill, as amended by the Select Committee. The discussion was resumed the next day when the House unanimously passed the Bill into Law.

Sir C. P. Ramaswami Iyer, Law Member, moved a resolution recommending that the Madras City non-Mahomedan constituency be divided into two constituencies to be called the Madras City North Constituency and the South Constituency, for purposes of election to the Madras Legislative Council. He said there was public opinion behind the motion, and the Commissioner of the Corporation was also in favour of it. The Government was indifferent whether the motion was accepted by the House or not. The Government merely undertook to accede to public demand, and, therefore, brought the motion before the House to be accepted or rejected. Mr. Thanikachalam Chettiar and Mr. A. Ramaswamy Mudaliar opposed the motion, on the ground that if it was accepted, it would curtail the privilege of voters, inasmuch as they would only be able to vote for two candidates, while, under existing arrangements, they could vote for four members. Mr. S. Sathyamurti welcomed the resolution as a step towards the creation of single-member constituencies, not only in Madras but throughout the Presidency and declared that true democracy could function properly only in single-member constituencies.

The motion was lost, 31 voting for and 35 against.

Corrupt Practices Bill.

On the 16TH DECEMBER Sir C. P. Ramaswami Iyer moved the following resolution: "The Council accepts the principles of the Legislative Bodies Corrupt Practices Bill, introduced in the Legislative Assembly, on the 25th August 1925."

The Law Member in doing so said that the House was asked to accept the principles of the Bill, namely, that bribery of members of legislative bodies was to be made punishable. He had been asked by the House Member of the Viceroy's Executive Council to take the opinion of the House on the matter.

The leader of the Opposition moved the following amendment to the resolution: "For the words 'principles of the Legislative Bodies' Corrupt Practices Bill introduced in the Legislative Assembly on the 25th August, 1925,' the following be substituted: 'The principle of making punishable corruption on the part of members of legislative bodies in India in the execution of their duties, and concerns. (1) That a Committee of the legislative body concerned be appointed (by a single transferable vote), of which the President shall be the President ex-officio, and the Deputy President member ex-officio, and should be constituted a court of record to try the offences mentioned in the Bill; (2) that a person convicted of any such offence should be liable to the maximum punishment of expulsion from the House; and (3) that the previous sanction of the President shall be necessary for the initiation of proceedings for any such offence.'"

The amendment was put to the vote and carried by 50 voting for and none voting against it. The Treasury benches and the nominated official benches remained neutral.

The House adjourned to meet again on the 9th February next.

Assam Legislative Council

SHILLONG—2ND MARCH 1925.

Governor on Increased Taxation.

The Budget Session of the Assam Legislative Council commenced on the 2ND MARCH 1925. Moulavi Abdul Rahim Chowdhry was elected President of the Council by a majority of votes. His Excellency Sir John KERR, Governor, in opening the Council, reviewed the financial condition of the province for the past five years, and pointed out the improvement in its position. He said the present remission of the provincial contribution granted to Assam would be of no benefit. Though the fact that the Government of India had been able to make a beginning with the reduction of the contributions was decidedly satisfactory and they might fairly cherish the hope that would not be many years before their turn came. His Excellency urged that until that time it would be a serious mistake to reduce deliberately the existing sources of revenue, and that was their justification for asking the Council again to pass Bills providing for an increase of court fees and stamp duties to raise additional revenue for the maintenance of the Transferred Departments. He undertook, if those Bills were passed, to devote during the next three years Rs. 10 lakhs to non-recurring schemes in the Transferred Departments, and a selection of those scheme would be made by the ministers, with the help of a committee appointed by the Legislative Council.

'Financial Statement for 1925-26.

Sir William REID, the Finance Member, then introduced the Budget for 1925-26. The main features of the Budget were that for the first time of the history of the reformed Government the Finance Member had been able to record that the coming year would witness a real closing balance of Rs. 24,63,000. Several schemes of improvement under road repairing and building operations had been included in the list of schemes for the ensuing year. The local Government had also paid off to the Central Government the overdraft of Rs. 12,67,000 of the previous year. The financial progress was due to the large closing balance of Rs. 23,28,000 appearing at the end of the year 1923-24 as against the budgetted closing balance of Rs. 8,97,000. The opening balance for the coming year was shown to be Rs. 27,15,000. Receipts have been augmented under the heads of Excise, Land Revenue and Taxes on Income. The total receipts from all sources during the coming year were shown to be Rs. 2,41,31,000 as against Rs. 2,40,000 of the current year and Rs. 2,25,45,000 of the last year. The total expenditure last was estimated to be Rs. 2,43,48,000 in the coming year against Rs. 2,36,50,000 of the current year and Rs. 2,39,98,000 of the last year. The stamp revenue had been shown as reduced by 3 lakhs as a possible loss to the revenue if the Council do not sanction the further continuance of the present Stamp and Court Fees Acts.

Salaries of the officers of the Imperial Services were budgetted for the coming year at Rs. 30,11,000 against Rs. 27,89,000 of the current year, the increase being due to the effect being given to the recommendations of the Lee Commission. Retrenchment and economy effected by the Government of Assam during the past years were also responsible to a great extent for the present prosperity budget.

In conclusion, the Finance Member, summed up the financial position of the Province: "I must candidly admit that the present improvement in our financial position is far beyond by utmost expectations. The most I dared to hope was that the end of the current financial year would find us after we had paid off the first instalment of three lakhs of our overdraft from the Central Government with a few lakhs in hand and with the prospect of clearing our debt in another year or two while at the same time adding little by little to our reserves in actual fact. We have paid off the whole to the overdraft and thereby incidentally effected a considerable saving in interest charges and we hope to end the year under budget with a balance of twenty-four and a half lakhs.

Remission of Provincial Contribution.

On the 3RD MARCH, after question time, Lieutenant-Colonel W. D. Smiles, a Planting member, proposed the adjournment of the House to protest against the unfair treatment meted out to Assam with regard to the remission of the Provincial contribution by the Government of India. The President allowed the motion on the condition that it be taken up for discussion the next day.

The House then considered and passed the Assam Municipal (Amendment) Bill, 1925, moved by the Hon. Rai Bahadur Promoda Chandra Dutta, and leave to introduce the Assam Settlements Bill, 1925, as asked for by the Hon. Sir William Reid was granted.

Mr. Nilmoni Phukan's resolution, recommending the Assam Government to move the Government of India to take the necessary steps for introducing a uniform all-India price of opium, was accepted by the Government.

Rai Sahib Har Kishore Chakravarty withdrew his resolution recommending the fixing of the salaries of the Ministers at Rs. 3,500 each, remarking that he would reserve his remarks for the discussion of the demand which will be put forward by the Government providing for a similar sum.

Prohibition of Opium.

Mr. Kuladhar Chaliha then moved a resolution recommending that the sale and consumption of opium in Assam, except for medicinal and scientific purposes, be totally prohibited, and accordingly legislation be undertaken immediately. He accused the Government of having no excise policy and quoted figures to show that the issues in opium were on the increase till 1921, when as a result of the vigorous efforts of the non-co-operation movement a reduction was effected.

He gave a very lucid history of the introduction of opium into Assam and how the policy of the Government had the effect of increasing the consumption. He gave figures from 1874 to 1924 and proved conclusively that the Government had no policy as regards opium. From the figures he stated that in 1920 the incidence for taxation per head of the population from opium revenue was Rs. 7-8-10 for Lakhimpore district,

Ra. 1-3-9 for Sibsagar, Ra. 2-3-8 for Nowgaon and Ra. 1-3-8 for Darrong. In his reply Sir William referred to the death of Lt. Singer for the alleged suppression of the poppy cultivation. Mr. Chaliha was ready with his facts and referred to the letter of Mr. Lushington, Secretary to the Bengal Government, dated the 31st May 1862, where the reason of the death of this officer was given quite differently. Sir William looked very small and could hardly find words to support his arguments. Mr. Chaliha further stated that the public opinion of Assam is unanimous in condemning this Imperial traffic and he cited the evidence of Raibahadurs and Raisahibs before the Assam Opium Enquiry Committee in support of his contention. When he finished his speech the whole House was with him.

Mr. Rohinikanta Hatibaruah supported the resolution ably and he said the opium question is the only politics in Assam, specially in the Brahmaputra valley. Sj. Sarbeswar Baruah also supported the resolution. The entire national party contributed to the success of the resolution for the total prohibition of opium.

On the 4TH MARCH Mr. Sadananda Dowera moved that the provisions of the Assam Land Revenue Manual, relating to the rights and liabilities of the Government and the people and also to the settlements of land, be replaced by an Act or Acts of the Legislature. He pointed out that the decisions of the revenue courts were not uniform, and did not command the same amount of confidence as the judgments of the Civil Court.

Sir William Reid, on behalf of the Government, accepted the resolution, promising to appoint a committee to investigate the matter.

Travelling Allowance to Members.

Babu Brojendra Narain Chaudhury moved that in place of the 1 three-fourth first class travelling fares granted for railway journeys to Government officers and Council members, only two-second class fares be allowed, while the maximum halting allowance be fixed at Rs. 7½ per diem. He stated that in its present economic condition, the country could not afford to provide luxurious travelling and living and that the present day second class compartments were as comfortable as the first class compartments of 20 years ago.

The Hon. Sir William Reid replied that as regards Government officers, 1st class fares were granted only to officers who, in private life, would travel first class. As far as Council members were concerned, he left it to the House to determine the question. The Government would readily meet their wishes in the matter. The motion was lost by a large majority.

Remission of Provincial Contribution.

Lieutenant-Colonel W. D. Smiles moved the adjournment of the House to protest against the unfair treatment meted out to Assam, as compared with Bengal, in the matter of the remission of the provincial contribution. He declared that by the remission of Rs. 63 lakhs to Bengal, the Meeson Committee's findings had been flouted, and asked why other provincial Governments were not consulted previously. Apparently it did not matter what taxes Assam paid, she got no benefits at the hands of the Central Government. The medical fee for attendance on dyarchy, which was seriously ill in Bengal, was Rs. 63 lakhs, and a further sum of Rs. 63 lakhs for two years more had been given her for convalescence. It was a gross injustice to Assam.

The Hon. Rai Bahadur Promode Chandra Dutta, Minister for Local Self-Government, in supporting the motion, said that Assam was always treated as a step-child. He declared that by not granting any remissions to Assam, the Ministry was especially embarrassed financially, and that paved the way to the unpopularity of dyarchy.

The Hon. Sir William Reid, speaking as leader of the House, said that when he became aware of the unjust treatment accorded to Assam in the matter, his loyalty to the Indian Government and to the Provincial Government got perilously near conflict. He regretted the decision of the Government of India.

Several other members also condemned the Government of India's action. The motion was ultimately put and carried, with only one dissentient, in the person of Babu Brojendra Narayan Chaudhuri, on the ground that the principle on which the Meston Award was based was not explained by the mover.

Transfer of Sylhet to Bengal.

Discussion on the resolution of Babu Krishna Sundar Das recommending to the Government that immediate steps be taken to open B.Sc. classes and to teach economics in the B.A. course in the Murari-chand College at Sylhet from the commencement of the next session was then taken up.

The Hon. Syed Mohammad Saadulla, Education Minister, replied that in view of the fact that the question of the transfer of Sylhet was in abeyance as a result of the resolution passed by the House last session, Government did not think it just or equitable to take any steps in the matter, specially as acceptance of the present motion would involve heavy recurring liabilities. Nor would it be fair to saddle Bengal with such fresh liabilities if Sylhet was to be annexed by Bengal.

A number of members opposed the motion, which was lost by one vote.

General Discussion of the Budget.

On the 5TH MARCH the general discussion of the budget was opened by Babu Brojendra Narayan Chaudhuri. He criticised the policy underlying the preparation of the budget which was to budget for large expenditure but actually to spend far less with the result that consciously or unconsciously the Government built up a balance of 27 lakhs. He criticised the P. W. D. and Land Revenue Budgets.

Babu Krishna Sundar Das on the other hand congratulated the Finance Member on the prosperity of the provincial finances. He, however, deplored the expansion of opium revenue and regretted to observe that in the list of new schemes presented to the House the just claims of Sylhet and Cachar for water supply and medical relief have not found the recognition.

Col. Smiles suggested that the Finance Member in the next year's budget should omit contribution of 15 lakhs to the Central Government. He hoped that the scheme to convert Chittagong into major port would be supported by the Assam Government as it would ultimately benefit this province.

Mr. E. S. Roffey asked the Finance Member to press the Assam Oil Company for a reduction in price of petrol in Assam which was the scene of production and yet the price was higher than it was outside the province. This he characterised as scandalous.

Several other members spoke asking for further improvement of rural water supply and village sanitation for which purpose the Ministers should be provided with more liberal funds.

Next day, the 6TH MARCH non-official discussion on the Budget having unexpectedly terminated the day before, the Government benches proceeded to reply.

Sir William Reid, Finance Member, confessed there were few points for him to reply to. Referring to a criticism he stated that one provincial service officer was being appointed to the charge of a district and that in Surma Valley division all subdivisions were under P. C. S. Officers. As regards criticism on the Stamp Bills, that subject, he said, would be dealt with when it came up for discussion later. He disillusioned the mind of the House regarding the fallacy about allocation of expenditure between the Transferred and the Reserved sides.

Khan Bahadur Kutubuddin, Judicial Member, stated that he hoped to prove by quoting figures when the demands for grants were put forward that there was no ground for accusing the Government of selling justice nor would criticisms against the Jail Budget be justified.

Hon. Rai Bahadur P. C. Dutta, Minister of Local Self-Government made detailed reply to various criticisms levelled against his department.

To the criticism that no provision for a time-scale of pay for Subordinate Educational Service was made Hon. Maulavi Syed Saadulla, Education Minister, replied that he would deal with that question when the resolution on the same subject was discussed. As regards allocation of grants in aid the Hon. Minister pleaded insufficiency of funds.

Mr. H. C. Barnes replied that Mr. Roffeys remarks about the high cost of petrol would be brought to the notice of Assam Oil Company and with regard to the port of Chittagong Government realized its immense importance to Assam and sympathised with the wishes of the House but the subject did not come within the scope of this province.

Mr. G. E. Somes, offg. Chief Secy. quoted facts and figures dispelling illusion that the reserved depts. had been unduly favoured to the detriment of the transferred depts. Mr. G. T. Lloyd explained the opium policy of Government and Mr. O. H. Desenne that of P. W. D. budget. The general discussion of the Budget thus came to an end.

Court Fees and Stamp Bills.

On the 7TH MARCH, the House discussed two bills moved by Hon. Sir. William Reid, Finance Member, viz., the Assam Court Fees (amendment) bill 1925 and the Assam Stamp (amendment) bill 1925. In moving the bills Sir William stated that the object of extending operations of these measures for another 3 years was to provide a margin for expenditure on schemes of development and he gave an assurance to the House that the proceeds of these bills which would amount to approximately 10 lakhs would be utilised for developing those schemes in transferred depts., which the House may decide upon. The annual income would be 3 lakhs and Government would undertake to provide this sum for 3 years. There was a lengthy discussion on the subject which detained the House till evening. The argument against the introduction of the bills were mainly (1) that Government had enough funds at their disposal in view of a surplus budget this year and any improvements to be effected in transferred depts. could be

financed from this surplus; (2) that it would create a bad precedent to assent to these bills, as in future years transferred debts would be called upon to levy taxation for carrying out improvements in the transferred side and thirdly that the country was opposed to the introduction of taxation on principle.

The non-official members monopolised the whole discussion allowing the Finance Member no time to reply. There were many amendments which were all put and lost so that the bills were ultimately passed.

Sj. Sadananda Dowers then moved that a Committee of the House be appointed to consider how best to allocate the proceeds that will be derived from the bill and suggested that the revenue should be expended on improving rural water supply. This raised a protest from Babu Brajendra Narayan Chaudhury and the motion was dropped.

DEMANDS FOR GRANTS.

On the 12TH MARCH the Council discussed demands for grants. Srijut Khiredo Chandra Deb moved that the Ministers' salaries be reduced to Rs. 2. He argued that the Ministers did not command the confidence of the majority party in the House, and by voting for the Court-fees and Stamp Amendment Bills they lost the confidence of the people.

The Hon. Sir William Reid, on behalf of the Government, maintained that the present salary of Rs. 1,500 granted to the Ministers was inadequate.

Mr. Roffey moved that their pay be raised to Rs. 2,500 a month.

Both the amendments were, however, turned down by the House and the original motion of the Finance Member asking that a sum of Rs. 3,500 be provided was passed.

Another motion recommending that the sum of Rs. 80,000 for the establishment of Commissioners be reduced was carried.

On the 13TH MARCH demands for grants with one or two exceptions were voted. A censure motion by Babu Brajendra Narayan Chaudhury recommending that the demand for the grant under jails be reduced by Re. 1 was carried by the house. The mover criticised the administration of jails generally and stated that the recommendations of the Jails Committee were not given effect to in their entirety. Sj. Kuladhar Chaliha in supporting the motion recounted his experiences in jail and condemned the lack of care and attention bestowed on convicts by the jail authorities.

On the 14TH MARCH Babu Brajendra Narayan Chaudhury moved that the demand for the grant under European and Anglo-Indian Schools be reduced by Rs. 26,000. He pointed out that preferential treatment was being shown in the case of European education, and by way of comparison quoted figures for the education of European and Indian boys.

Sir William Reid, Finance Member, appealed to the House to protect the interests of the minority community. As regards the suggestion that Bengal should contribute part of the grant, Sir William said that the number of children who went from Assam to Bengal schools was greater than the number from Bengal to Assam schools. The motion was negatived.

Several other motions were discussed, after which the House adjourned.

On the 17TH MARCH demands for grants in the Transferred Departments under the heads Registration, Education (other than European) Medical, and Public Health came up for discussion in the Council. There

were several reduction motions calling for cuts of one rupee which, although ostensibly in the nature of censures, were put down evidently for inviting discussion and withdrawn on the Hon. Ministers making the necessary explanations. Thus the House passed on this day a total sum of over 37½ lakhs for the use of the Transferred Department.

On the 18TH MARCH the Council considered and passed demands for grants aggregating over fifteen lakhs partly under reserved and partly under transferred departments. There were four censure motions for reduction three of which were ultimately withdrawn and the fourth put to the vote and negatived. One motion moved by Babu Brojendra Narayan Chaudhuri was to the effect that the demand for the establishment of Superintendent, Civil Veterinary Department be refused. The mover's objective was the Superintendent Civil Veterinary himself, but that officers salary being non-voted, he being an imperial service officer, would serve purpose if provision for his staff were refused. The mover urged the replacement of this officer by an expert from provincial services.

Hon. Maulavi Syed Muhammad Saadulla, Education Minister, replying on behalf of the Government stated that this question would be considered on receipt of Government of India's instructions in connection with the general question in accordance with the Lee Commission's recommendations.

Another reduction motion moved by Sj. Nilmoni Phukan was to the effect that more money should be allotted for village communications which were being neglected by local boards.

The Hon. Rai Bahadur Promode Chandra Dutta, Minister Local Self-Government, reminded the House that local boards were autonomous bodies and Government had no power over them in the matter of spending money on village communications. Nor did Government pretend to be more familiar with local village needs than boards themselves but the desirability of paying more attention to this aspect of question would be impressed on boards. On being pressed to division the motion was negatived.

On the 19TH MARCH the report of the Select Committee on the Assam Water Hyacinth Bill was presented in the Council. The Report states that the Bill as originally drafted requires extensive amendment to make it of practical utility and at the same time to avoid as far as possible interfering with the rights of owners or occupiers of land. In view of material alterations its republication has been recommended.

A motion recommending the introduction of charka-spinning in primary schools was negatived.

The Muddiman Report.

In the afternoon Maulavi Faiznur Ali moved adjournment of the House to consider the Muddiman Committee's report. Before the discussion commenced the Hon. Sir William Reid informed the House that official members, save Ministers, would not take part in the discussion as Government had not yet been able to formulate their views in the matter. The sense of the House was to the effect that they subscribed to the findings of the Minority report but condemned those of the Majority report.

The following resolution was ultimately carried: "This Council disapproves of the recommendations of the Majority Report as retrograde, disappointing, and calculated to delay the attainment of full responsible Government in the country, and this Council while agreeing with the

Minority in the view that Reforms have failed and are incapable of yielding better results in future, recommend the adoption of such steps as will lead to the appointment of either a Round Table Conference or Royal Commission for devising a constitution for granting full responsible Government to the country.

On the 20TH MARCH Babu Krishna Sunder Dam moved a resolution recommending that suitable arrangements be made by the Government to provide free conveyance for the non-boarder students of the Murarichand College, Sylhet from the town to the new college site at Thackeray Tilla. The motion was pressed to a division and carried.

On the 21ST MARCH, after question time, the Hon. Sir William Reid moved that Assam Settlements Bill 1925 be circulated for the purpose of eliciting opinion thereon. The motion was adopted.

The House next proceeded to consider certain supplementary demands for grants. All the motions were carried except a demand of Rs. 2,800 under 47 Miscellaneous (Transferred) which was reduced by Rs. 1,800. This sum represented the allowance intended for senior E. A. C. of Shillong for performing duties of Vice-Chairman of the Municipal Board. It was contended that as Vice-Chairman of other Municipal Boards who were non-officials had not been similarly remunerated there was no justification for the present demand. The reduction motion was put and carried by 22 votes to 11.

There was some discussion under grant 'Administration of Justice' in connection with the expenditure incurred over Sylhet note forgery case. It was argued that as arrests in this case were made in Bengal and majority of witnesses came from that province the case should have been taken up in Bengal and resultant expenditure by that Government. The Hon. the Judicial member pointed out that although the arrests were made in Bengal the case originated in Assam and therefore it was incumbent on this Government to conduct it. The motion for reduction was defeated.

His Excellency the Governor then *prorogued the Council sine die*.

The Autumn Session

SHILLONG—7TH SEPTEMBER 1925

The autumn session of the Assam Legislative Council commenced on the 7TH SEPTEMBER with Moulvi Abdul Hamid, President, in the Chair. After questions the President made feeling reference to the death of Sir Surendranath Banerjee, and subsequently moved the following resolution which was carried unanimously all standing :

"That this Council records its profound sense of sorrow at the sad death of Sir Surendranath Banerjee, the great pioneer in the field of Indian politics, who contributed full 50 years of devoted service to the material, social and political uplift of the Indian people, and offers its sincere condolences to the bereaved family.

Khan Bahadur Alauddin Ahmed CHAUDHURY next moved that the Assam Water Hyacinth Bill be taken into consideration.

Rai Bahadur P. C. Dutt, while sympathising with the object of the Bill, said that he felt constrained to oppose the motion on the ground that in the absence of the discovery of an effective remedy for the destruction of the

water hyacinth pest it was unfair to introduce a bill designed to give local bodies power to compel the people to destroy the weeds.

The discussion on this Bill had not concluded when the House adjourned.

On the 8TH SEPTEMBER the debate on the Water Hyacinth Bill, was resumed. Rai Bahadur Amarnath Roy's amendment, recommending that the Bill be re-committed to a select committee, was accepted by the House.

Khan Bahadur Alauddin Ahmed CHAUDHURI moved that a permanent committee, consisting of five officials and five non-officials, be appointed for advising the Minister for Education as the means to be adopted for stimulating Mahomedan education in the Province.

On the Minister explaining that a conference would shortly be convened, consisting of both officials and non-officials interested in the spread of Mahomedan education and the development of Islamic ideals so far as possible to work in harmony with the Text Book Committee, the mover withdrew his motion.

Babu Gopendralal DAS'S resolution recommending that the increased free rates in the high and middle English schools of the Habibganj subdivision in the district of Sylhet be at once reduced to the level of the tuition fees prevailing in all other such school in the Province, was pressed to a division and carried.

On the 9TH SEPTEMBER the Council discussed partly official and partly non-official business. Two demands for supplementary grants amounting to Rs. 65,550 were discussed and ultimately passed.

Mr. H. C. Barnes, Finance Member, laid before the House a note on the present financial situation of the province and the Education Minister introduced the Assam Primary Education Bill, 1925.

Settlement of Waste Land.

Discussion on Mr. Robinikanta Hati Barua's resolution was resumed. There were three amendments to the motion, which was ultimately accepted by the House in the following form :

"This Council recommends that the waste land in the Province should ordinarily be settled with the natives of the Province for special and ordinary cultivation with a view to encouraging agriculture by small capitalists in the Province without hampering the claims of immigrants."

The mover alleged unfair treatment on the part of the Government in the case of settlement of land as between Indians and Europeans, the latter, he stated, invariably being shown preference. He was supported by Mr. Kamakhyaaram Barua, who cited certain instances purporting to show preferential treatment to Europeans in the settlement of land. Mr. Sadananda Dowers stated that the resolution was merely the embodiment of the Government's pledge made during a previous session to the effect that they were encouraging small capitalists to open up land for cultivation.

Mr. H. C. Barnes and Mr. Bentinek, on behalf of the Government, considered that the resolution sought to exploit the poor ryots in favour of the small capitalist and this was most unjust and unfair. Mr. Barnes maintained that the rules under which the Government acted were just and did not result in unfair dealing. Certain vague charges had been made against the officers of the Government, accusing them of unfair treatment. These officers were not here to defend themselves, and it was unfair to make such attacks on them. At all events, the charges were very vague. This was the first

time he had heard such charges in all his service, and if any member had definite cases to put forward, the proper place was outside the House, when the Government would investigate the matter fully.

The Grazing Tax.

On 10TH SEPTEMBER the discussion on the resolution moved by Srijut Mahadev Sarma, recommending the abolition of the grazing tax in Assam, was continued. Two other resolutions on the same subject, one in the name of Mr. Sadananda Dowers and one by Srijut Nilmani Phukan were taken up simultaneously.

The mover said that the grazing tax was most unpopular in the Province and should be abolished.

Mr. Sadananda Dowers proposed the appointment of a committee to consider the draft grazing rules with special reference to the needs and wishes of every party. Srijut Nilmani Phukan suggested that the tax might be abolished altogether, except in the case of professional grazers.

Mr. Barnes on behalf of the Government said that the revision of the grazing rules was expressly undertaken as the present rules were working badly. The Government were desirous of relieving the ryot from the tax on his cattle and to tax professionals. He would not undertake to offer much consideration to the proposal for the total abolition of the tax. He had already written to a dozen members asking them to meet in committee to consider the new draft grazing rules, and further than that he would not go.

The amendment of Mr. Dowers recommending that Government appoint a committee to consider the draft rules was ultimately put to the vote and carried by 15 votes to 10.

Amendment of Tenancy Law.

On the 11TH SEPTEMBER a resolution recommending the amendment of the Tenancy Law of 1869 in the districts of Goalpara and Sylhet on the lines of the Bengal Tenancy Act, and the appointment of a Committee to make recommendation, was carried by a narrow majority.

Mr. Barnes, on behalf of the Government, said that he knew that no demand had been made by the people of the district for the amendment of the present Act. The Govt. were contemplating the appointment of a committee to enact the new tenancy law, which would meet the needs of Assam.

Srijut Nilmani Phukan moved a resolution suggesting that no waste land be granted to railway companies in Assam for other than railway purposes.

Mr. Barnes said that as the Government had always adopted that policy, he saw no objection to the resolution.

On the 12TH SEPTEMBER the Council concluded its autumn session when Mr. S. C. Barnes (Finance Member) presented the report of the Committee on Public Accounts on the audit and appropriation reports of 1923-24.

Maulvi Faizur Ali suggested that the House should be given an opportunity of discussing such reports in future, to which the Govt. consented.

The Rev. Nichols Roy presented the report of the Select Committee on the Assam Temperance Bill and intimated his desire to introduce the Bill in the next session.

The Council was then prorogued.

Bombay Legislative Council

BOMBAY—20TH FEBRUARY 1925

The Bombay Legislative Council opened on the 20th February when Sir Ibrahim Rahimtullah took the chair on receipt of His Excellency's approval of his unanimous election to its Presidency. Mr. Fakhrajani, Deputy President, who invited Sir Ibrahim to occupy the Chair, paid a tribute to his defence of popular rights and privileges, not only as President of the Legislative Council, but also as a member of the Executive Council before that. Sir Ibrahim Rahimtullah occupied the Chair amidst applause, and after expressing gratitude for his election, promised to uphold the dignity and traditions of the House.

The Governor's speech.

His Excellency, the GOVERNOR, in opening the session, delivered a lengthy speech which was listened to by the House and by the large number of visitors present. The Governor congratulated the House on its unanimous choice of its President. He also congratulated the Government on the fact of their first nominee to the chair being accepted by the House.

Referring to the Budget Sir Leslie Wilson pointed out that a very large proportion of the increase in expenditure in the new financial year's Budget was on account of the Transferred Departments. Out of new items of demands amounting to about Rs. 80 lakhs, no less than Rs. 33 lakhs were proposed for these departments. This allocation of revenue had been made in pursuance of the deliberate policy of the Government, the steady expansion of departments for the administration of which the executive was directly responsible to the Legislative Council. It remained now for the Council to consider how the necessary funds could be raised by the proposed taxation. He felt sure that in coming to a decision the needs of the Presidency as a whole would be considered. With regard to the suggestion that more money should be made available for the necessities of the Transferred subjects by reducing the Reserved Departments' expenditure, and the arguments that the Transferred Departments were the only nation-building departments of the Government, His Excellency reminded them that for buildings of all kinds a sound foundation was required, and many of the Reserved Departments were engaged in maintaining those secure foundations on which alone a national edifice could be safely erected. It would, for example, be useless to provide schools and teachers in the rural areas, if on account of gangs of robbers and dacoits the roads were unsafe for children to attend the schools.

His Excellency then left the Council Chamber, and the House proceeded with the day's business.

Presentation of the Budget.

The Hon. Mr. H. S. LAWRENCE, Finance Member, presented the Budget for the year 1925-26. The opening balance of the current year was Rs. 5.45 crores, and the closing balance Rs. 4.67 crores; while there was a net increase in revenue of Rs. 24 lakhs. There was a reduction in expenditure of Rs. 65 lakhs.

Next year (1925-26) the estimated revenue amounts to Rs. 15.68 crores, and expenditure debitable to revenue to Rs. 16.09 crores, leaving a deficit of Rs. 41 lakhs. To meet this it was proposed to impose extra taxation to bring in Rs. 42 lakhs in the following manner :—

Rs. 18 lakhs by increasing Court fees, another Rs. 18 lakhs by increasing the transfer of property fees, and Rs. 6 lakhs by taxing the Turf Club totalisator bettings.

While there is no increase in the total demand on the Reserved side there is an increase of Rs. 65 lakhs on the Transferred side. The opening balance of the year is Rs. 4.67 crores. From this Rs. 57 lakhs is being taken for non-recurring capital expenditure leaving a balance of Rs. 4.11 crores, or adding an estimated surplus of Rs. 1 lakh, a closing balance of Rs. 4.11 crores, including Rs. 1.48 crores in famine funds.

General Discussion of the Budget.

The General discussion of the Budget took place on the 23RD FEBRUARY. The opposition to the new taxation bills proposed by the Finance member was voiced by non-official members. Messrs. Lalji Narainji and others appealed to the House to reject the measure. The development department also came in for a good deal of adverse criticism.

Next day, the 24th February, Mr. Joseph Baptista led the attack and complained of the executive irresponsibility.

Mr. A. N. Surve warmly acknowledged the Government's response to Non-Brahmans' demands. Other members severely criticised the inclusion of Lee Commission's proposals. Mr. A. M. E. Dehlavi, Minister for Excise, explained Government's policy regarding excise revenue and called attention of the House to the resolution issued on the subject this week.

Mr. Jadav, Minister for Education, who was constantly interrupted, narrated progress of education under stewardship and appealed to the House to view the Stamp Act Amendment Bill with favour as a measure if passed into law would affect only the rich.

On the 25TH FEBRUARY vigorous attacks on the Budget estimates were made by the Swarajists led by Mr. K. F. NARIMAN who criticised the Government policy. The speaker compared the debt position of Bombay with that of other provinces in India and said that while others were regularly decreasing their debts the Bombay Government systematically went on increasing their debts. It was said that India was not fit for home rule, but he would suggest transference of Finance Department to non-officials and they would show in three years that Indians were far better in financial administration than members of the present Government.

Mr. MONTGOMERY, Home Secretary, said that Government had cut down expenditure to the lowest possible limit. It was sheer impossibility to go any further. The incidence of crime in Bombay Presidency, said the speaker, was greater than in England and pointed out that there were no less than 827 murders in 1922, while in England and Wales there were only 60. In face of this, asked the Home Secretary, was it possible to reduce expenditure in Home Department?

Mr. JAYAKAR complained of Government extravagance and characterised the Budget as an adversary Budget.

Hon'ble Mr. H. S. LAWRENCE, Finance Member, replying to the debate attributed most of the criticism to imperfect understanding of the Budget probably owing to its complexity. He repudiated the charges of extravagance and pointed out that the complaints that nothing was done to cultivators were baseless and unsubstantiated by facts. Were no education, communications, medical-relief, and sanitation, he asked, for the benefit of cultivators? He would appeal to the members to co-operate with Government in the war they were waging against ignorance and disease.

The general discussion on the Budget concluded and the House adjourned.

Stamp Act Amendment Bill

On the 26TH FEBRUARY the Stamp Act Amendment Bill was formally moved for the first time by the Finance Member. The measure was one of the three of its kind suggested by the Finance Member in his budget proposals for 1925-26 in order to meet the anticipated deficit of 41 lakhs; other two measure being Court Fees Act Amendment Bill and Turf Club Amendment Bill. In introducing the Stamp Act Amendment Bill the Hon'ble Mr. Lawrence explained the objects of the Bill and said that more money was wanted for proposed grants in a generous measure to municipalities and local boards for the cause of education, medical relief and easy communications which were all for the benefit of cultivators.

Consistent with the attitude revealed in the course of the general Budget discussion for the past three days non-official members offered uncompromising opposition to the very principle of extra taxation involved in the Bill. Mr. R. G. P. Pradhan's amendment inserting in the Bill that the whole of the revenue derived under this measure should be devoted for the purposes of education only was ruled out of order by the President on the ground that during the first reading only the principles of the Bill could be discussed and no details.

Mr. C. H. Hidayatullah, Minister for Local Self-Government, said that when Government with a view to economy introduced the photo-copying system in registration Departments members set up a hue and cry on the ground of forced unemployment of people.

Mr. R. G. Pradhan wanted an assurance from Government that revenue from this measure would be wholly ear-marked for nation-building departments only.

Hon'ble Sir Maurice Hayward assured the House that as far as possible Government would give preference to nation-building departments. He appealed to the House to pass the first reading of this Bill and that of the next one so that in the Select Committee they could consider whether extra taxation proposed was or was not for popular benefit.

On the 27TH FEBRUARY the Government sustained a defeat when the Council rejected the first reading of the Stamp Act Amendment Bill by 44 votes to 43. Heated speeches were made from both sides of the House, the non-officials appealing for rejection, and the Government benches appealing to the Ministerial party not to be dictated to by the Swaraj party which had a wrecking policy.

Court Fees Act Amendment Bill.

After a debate, lasting over two and-a-half hours, the Council adjourned further discussion on the first reading of the Court-fees Act Amendment Bill, which was introduced by the Finance Member and which met with strenuous and uncompromising opposition from the non-official benches, on the ground that it was an unbearable burden upon the poor agriculturists.

Demands for Grants.

The Meston Award.

On the 2ND MARCH the officials and non-officials unanimously condemned the attitude of the Finance member of the Government of India in regard to the injustice done to the province of Bombay by the Meston award and its very unjust execution. Mr. Lalji Narayanji proposed an adjournment motion in order to express the disapproval of the Government and the people of Bombay, of the present policy of the Central Government. He said that "the direct policy of Central Government is to kill Bombay industry and see that Bengal flourishes at the expense of other provinces." The Finance Member, Mr. H. S. Lawrence, endorsed the above charge and himself quoted figures and facts to prove that Bombay was done a great injustice. He threatened that steps would be taken to make the Government of India feel the weight of public opinion in Bombay. In order to avoid any feelings of bitterness, he also announced that the further consideration of the Bill to enhance Court Fees was postponed. He appealed to all to consolidate their ranks and to take joint action together in the common cause. The appeal was well responded to, and in a dignified speech Mr. Jaykar associated himself and the Swarajya Party with the Finance Member in condemning the Central Government.

Bombay Development Scandal

Mr. NARIMAN proposed a cut of Rs. 62 lacs in the Bombay Development Department. Instances after instances were quoted by him by which he proved that corruption of the worst type was going on in the department under the very nose of the great gods of the Directorate. The Hon. Mr. Cowasji Jehangir tried to dodge the issue, with a view to hush up the whole scandal. Sir Lawless Hepper observed: "There was only one person more despicable than the anonymous letter-writer and that was the person who was making base charges against public officials without being able to substantiate them." Mr. Nariman retorted: "he was not making vague charges. He made them openly and without any anonymity. He was prepared to prove that the charges were true, if he were given an opportunity of substantiating them."

On the 8TH MARCH the non-officials scored a victory when Mr. D. R. Adhwanji's motion to reduce by Rs. 33,80,000 the total grants of Rs. 2,83,80,000 under the head "Construction of Works in Lloyd Barrage and Other Canals" was carried by 48 votes to 44. The non-officials complained that detailed information had not been given. The Hon. Mr. Cowasji Jehangir, replying on the debate, said that owing to the rise in the price of steel they had to increase expenditure.

The Muddiman Report

10 MARCH 1925

A fiery stream of indignant eloquence swept the floors of the Council on the 10TH MARCH during the debate on Mr. JAYKAR'S motion to adjourn the House to call attention to the highly unsatisfactory nature of the Muddiman Committee's report and recommendations.

Sir Maurice HATWARD, Home Member, at the very outset announced the Government's intention of not taking part in the debate as their opinions had already been published by the Reforms Committee in the appendices to their report. The Committee themselves were appointed by the Government of India and reported to the same Government, but not to the Bombay Government; but he would not like, however, to hinder a full discussion of this important subject.

Mr. M. R. JAYAKAR the leader of the opposition, then moved for an adjournment. In doing so Mr. Jayakar said that judged by any tests of popular advance the Majority recommendations were highly unsatisfactory. One would employ any tests one liked, whether from the point of view of the Legislatures, Ministers, or popular rights, and the answer was the same, namely that no advance was made in any of those directions. Did the recommendations enlarge the powers of the Legislatures over the Executive Government? Did Ministers get more control over the services, or over the finances of the Presidency? Was the distinction abolished between transferred and reserved departments and greater approximation arrived at between the two? The answer to all these questions was dismal. No doubt the terms of reference to the Committee were extremely limited. Though in a sense, circumscribed by a limited reference, there was no doubt that the Committee, if they were so minded, could have made the most valuable recommendations towards the abolition of many of the defects in the working of the Act and enlarging popular rights by doing so. It seemed to the speaker that the Committee's main concern had been to protect above all the right of the Indian Civil Service. In more than four places, there were references to the interests of those services made with the utmost care and solicitude and towards the end of the report, they wound up by saying that all attempts should be made to protect the rights and privileges of the Indian Civil Service.

The Committee were unnecessarily obsessed with the difficulty relating to the electorate. They forgot that when the Reforms Act of 1883 commenced in England no more than three to four per cent. of the population had vote and the percentage increased slowly right up to 1884. Similarly the Committee failed to realise adequately that Dyarchy had been tried for three years by the utmost enthusiasts of the Reform. Notwithstanding the fair trial given it, Dyarchy had failed. One had only to read the evidence given by the Central Provinces Ministers and one at once realised that the defect of Dyarchy lay in its inherent nature and not merely in the atmosphere in which the experiment was worked. Dealing with the recommendations Mr. Jayakar said that they were extremely unsatisfactory. No important department had been recommended to be transferred. Boilers and Gas, Labour housing, Forests and Fishery, these really did not teach people any responsible self-control or corporate power. Speaking of such departments as were considered in the Bombay Presidency as absolutely worthless, like stationery and stores, Law report, etc., even these, said Mr. Jayakar, had been very cautiously hemmed in by limitations which he characterized as unjustified under the circumstances.

He therefore held the view that in their recommendations the Committee were extremely halting but their recommendations by no means stopped there. In many particulars they were retrograde. Mr. Jayakar cited instances of Presidents of Legislative Bodies having been recommended to be made immune from the jurisdiction and control of High Courts and the non-removal of residential qualifications in the case of citizens of this country except Europeans. Mr. Jayakar amidst cries of 'hear' 'hear' said he did not know what share of the blame attached to the Bombay Government, at least such members of it as formed the minority of that Government. He however congratulated the Indian members of the Bombay Government on their courage and sagacity and uprightness in recommending full provincial autonomy. For their retrograde suggestions he could not think of congratulating the other members of the Government.

They talked freely of electorates, learning lessons of electing representatives with the sole view of securing a return of popular representatives. One might ask the question how were the electorates to learn the lesson? Had they learnt it in every country which enjoyed Self-Government? It had been well said that nothing fitted a man for liberty like the enjoyment of liberty itself. The Government had forgotten that they were not dealing with a subject race, but with a race which had all the consciousness of a civilized and cultured community, and which wanted little or no guidance in the attainment of Self-Government. Indians had enjoyed it before, and although they might have lost it during the interval the consciousness itself would not be long in coming. His complaint was that the present experiment would not produce that consciousness. They had been deliberately torn asunder by the device of a system of Government which kept them in the pincers of opposition. He was glad to read in newspapers that Lord Reading's own bent of mind was towards the Minority recommendations. He could only hope

that the news was true. "If India is to be saved or lost to the British Empire," concluded Mr. Jayakar with great feeling, "depends very largely on the step that H. E. Lord Reading takes to persuade the British Cabinet to take in that direction."

Mr. H. G. PRADHAN said that the Majority recommendations, particularly those relating to the Transferred Subjects, were most unsatisfactory. It was the duty of the Bombay Council to record its protest in no uncertain voice against the narrow illiberalism which was a feature of the recommendations. The speaker condemned the doctrine set up by the Committee that so long as Law and Order remained a reserved subject, land revenue should not be transferred. He pointed out that this was against even the Montford Report.

Moulvi Rafiuddin AHMAD said that he could not understand Mr. Jayakar raising the point of the unsatisfactory nature of the report. He thought Mr. Jayakar and the Swarajists were avowed opponents of Dyarchy and wanted to kill it. First and foremost they must have inter-communal and inter-party unity and then the Government would not dare refuse any reform they demanded.

Mr. A. N. SURVE (Non Brahman), in further supporting the motion observed that if Bombay was given provincial autonomy no harm would arise. He condemned the report if only because it had placed the Ministers in an absolutely unenviable and anomalous position. They were mere advisers to the Governor who could, if he wanted, override their advice. In that case the legislature might pass a vote of censure on the Ministers. Was this the development of a spirit of responsibility?

Mr. D. R. PATIL (Non-Brahman) declared that communal difference were bound to exist till the end of the world. Were they therefore to put off all reforms till the end of the world? No. They must ask for more and more reforms with a united voice, notwithstanding communal difference. Until and unless Dyarchy was done away with, the representatives in the Council could do no real service to their people.

Rai Sabib Dadubhai DESAI condemned the report as recommending retrograde steps. The subordination of Ministers to Civilian Secretaries was sought to be perpetuated by the Committee. He had expected transfer of all departments under the control of the Home Member at present to the control of popular Ministers, so that they could reduce expenditure on them with a view to increase expenditure on Nation-building departments, but he was disappointed.

Mr. JAYAKAR, replying, observed that if amusement should cost Rs. 45,000 of the tax-payers' money he would rather deny himself any amusement. (Laughter in which the officials joined). He agreed with Mr. Patel that notwithstanding communal difference they must take forward steps towards self-Government. Replying to Moulvi Rafiuddin Ahmed, Mr. Jayakar asked the former whether he and other non-officials did not desire to end Dyarchy. Dyarchy was sapping the very foundations of their life. Which Indian could tolerate it? The speaker concluded with an acknowledgment of Sir Maurice Hayward's courtesy in not participating in the debate.

Sir Maurice acknowledged the compliment with a bow. The motion was carried *sem con.*

Budget Grants—(Contd.).

On the 12TH MARCH discussion on budget grants was taken up. Mr. Nariman directed his gunshots against the Department of Industries and pointed out how people, other than Indians when appointed to responsible posts like the Director of Industries, try to give every sort of opportunity to foreign industries in India at the cost of indigenous ones. He urged the Government to take seriously to heart the advice of Mahatma Gandhi to encourage Cottage Industries. Mr. Dev of Dhule observed that the Minister in charge should take notice of the fact that all the money that was being spent was nothing but waste and the department must be run entirely according to the will of the people. Mr. Jayakar asked the Government what they were going to do with the report of the Rahimtulla Committee. Messrs. Hasmukhbhai Laljee and G. I. Patel exposed the ignorance of the Hon. Member for Education and showed to him how the industries of match and pottery were being subjected to unfair foreign competition.

After the Industry Department was dismissed the Agricultural Department was ushered in the Council Hall. Messrs. Dev and Chaudhari spoke very enthusiastically on various questions relating to agriculture. Mr. Bhopalkar observed that an enquiry should be made into the conditions of the agriculturists. Also the Drought was gradually decreasing in rain supply, and the Government must take notice of it and teach the farmer to utilize the little rainfall that he gets, as was done in America. He also com-

plained about the insufficient arrangements made to diffuse agricultural knowledge in the peasant class. He concluded by touching the question of milch-cattle.

There was a lively discussion on the grants for the Public Health Department. Mr. Dev proposed a cut of 4 lacs and Mr. Jayakar while speaking on the motion of Mr. Dev questioned the utility of the services of the fat-salaried 'experts' in this department. Mr. Pahlajani further proved the utter uselessness of these so-called experts. The Hon. Mr. Dehalvi and Jadhav tried to explain the Government position. Ultimately the grant was voted.

On the 18TH MARCH an important ruling was given by Sir Ibrahim Rahimtullah, the President, during the discussion of a motion by Mr. Pahlajani for the reduction of Rs. 1 lakh from the total demand under the head Medical. Dr. Velkar, which speaking on the motion, referred to the alleged misconduct of certain officials of the Karachi hospital, and one of them discussed the conduct of the officials of another department. Sir Maurice Hayward raised a point of order, and the President, after citing a number of previous rulings on the subject, ruled that except where the salary of any particular official was concerned no member should attack that official, except by a distinct resolution of censure.

The Meston Award.

On the motion of Hon. Mr. H. S. Lawrence, Finance Member, the Council resolved to send a representation to the Government of India on the question of provincial contributions as decided by the adjournment of the 2nd March. In carrying out the motion, the Government had prepared a representation more or less on the lines of the speeches delivered on the last occasion by the mover of the adjournment motion, Mr. Lalji Narainji.

The representation, which was placed before the Council for its approval, expressed its conviction that grave injustice had been done to Bombay by the Meston Settlement. The case against the settlement was based on two distinct grounds, namely (1) that the distribution of the surplus revenue assigned to the provinces of India, over and above provincial revenue existing at the time of the Reforms, was determined in a haphazard manner, and bore no relation to the needs of the provinces and total taxation derived from those provinces, and (2) that this haphazard distribution was founded upon the application of federal principles of finance, which had not been adopted in any other federal government in the world. The position of Bombay was compared with other provinces in the matter of taxation and it was stated that Bombay was the most highly taxed province in India. An amplification of the arguments of the Hon. H. S. Lawrence and Mr. Lalji Narainji constituted the main features of the representation.

Mr. LAWRENCE, having moved that the draft representation be approved, several speakers rose to support it. Chief among the speakers were Messrs. Lalji Narainji and Mr. Jayakar. The former suggested certain changes in Mr. Lawrence's draft representation, where a reference had been made to federal as well as State income-taxes in Canada and the United States. Mr. Lawrence agreed to the change suggested.

Mr. M. R. JAYAKAR, leader of the Swarajya party, said that while he had no desire to obstruct his colleagues of the other parties if they wanted to send a representation in the name of the House, he was bound to tell them that personally he had no faith or confidence in the Government of India. Was it the first time that a representation to that Government had been made on behalf of Bombay? They should not forget that the Central Government had been treating the Bombay representation with scant courtesy. He urged sterner and stronger measures. He was sure that ere long the Bombay Government would find out that mere representations would not do, and that sterner measures ought to have been adopted. The Bombay Government should show that Bombay was by no means willing to face any new taxation.

The motion was carried unanimously.

Indian Match Industry.

When the grant for the Industries Department came up for discussion, several members accused the Minister of want of any knowledge in matters industrial, and a motion was proposed reducing the grant by Rs. 1,000.

Mr. Hoominbhai LALJI said the Minister did not know anything about the match or any other industry. There were, he said, four match factories in the Bombay Presidency, one of which at Ahmedabad had been struggling for existence for the last 20 years. They were importing into Bombay logs of wood from Siberia, as it was found that steamer freight from Siberia to Bombay cost less than the railway freight on wood from Northern India to Bombay. That was not all. An American Syndicate with a capital of about £2 millions had started a big factory at Ambarnath, near Bombay, and were going to build

factories at Karachi, Calcutta and Rangoon, not with a view to supplying India's needs, but for the purpose of killing the existing factories in India. This syndicate, he said, had already taken in hand the match industries of Sweden, Czechoslovakia and China, though they failed to secure a footing in Japan, owing to the Japanese Government's resistance. That American match trust had cornered a chemical most essential in match manufacture which could not be bought except through that syndicate. They were also offering higher wages to experienced Indian workmen from existing match factories. He urged that the Government of India should intervene.

Education Minister's Policy Criticised.

On the 14TH MARCH discussion was continued on Mr. P. G. Joshi's motion brought forward the day before to reduce the total demand for education by Rs. 1 lakh. The mover made it plain that it was not to be considered as a motion of censure on the Minister for Education. Mr. M. R. JAYAKAR, while agreeing with the mover that it was not a censure motion, severely criticised the Minister and told him that on occasion the Swaraj party, which had been vilified by the Minister on all and sundry occasions and which had been represented by the same Minister as something horrible even to think of joining, was now standing between him and the vote of censure. He accused the Minister of humiliating his office by acting like a paid whip of the Government, instead of acting like the other two Ministers.

The Hon. Mr. B. V. JADHAV, Minister for Education, justified his non-Brahmin policy which had been questioned by some speakers. He was constrained to treat the motion as a censure motion, but he was not afraid of it. His conscience told him that he was not a failure. He knew that the majority of the house was with him. Speaking of the non-Brahmin policy he said that they were actuated by the same motive as the Swarajists and others, namely, looking after the country's advancement. If they did not agree with the Swarajist policy of obstruction they were not wholly supporters of the Government either. He recalled instances when non-Brahmins even in that session had voted against the Government.

Mr. A. N. SURVE, referring to the non-Brahmin policy, said he strongly resented any patronisation. As a self-respecting party they could not and would not stand any patronisation. If the House felt that the Minister was a failure, then let it not waste public money on him.

The Hon. Mr. JADHAV, replying to the debate, said that if the motion were carried, he was willing to lay down office. He then detailed the number of improvements he had introduced in the field of education.

Mr. JOSHI said he was satisfied that the Hon. Mr. Jadhav was seriously engaged in satisfying national aspirations and he withdrew his motion.

The House then proceeded to discuss other reduction motions. All reduction motions moved were either withdrawn or defeated. A motion refusing the grant under European Education (Reserved) was pressed to a division and lost. Another motion to reduce police expenditure shared a similar fate.

Mr. K. F. Nariman moved a reduction of Rs. 10 lakhs from the total Police grant. In doing so he drew attention to the Bawla murder which occurred soon after sunset in a prominent locality near the residence of the Commissioner of Police.

The President, intervening, said that he would not allow reference to be made to a case sub-judice. The President set the guillotine in motion at 5 o'clock and put to the vote the total demands. In five minutes all the motions for grants were carried.

The Bombay Rent Act.

On the 16TH MARCH an official Bill was introduced in the Council by the Hon. Mr. Cowasji Jehangir to amend the Bombay Rent Act in respect of residential premises which expires by the end of 1925. The Bill, which passed its first reading, seeks in a restricted measure to extend the provision of the expiring Act only in the case of residential premises, the parts applying to non-residential premises having expired in October last.

Mr. K. F. Nariman's amendment to the principle of the Bill extending protection to non-residential buildings also was ruled out of order by the President on the ground that it sought to go beyond the scope of the Bill. The President also explained that inasmuch as the House refused leave to Mr. Addyman at the last Poona session to introduce a measure on the lines of Mr. Nariman's amendment, the latter should be deemed as altogether separate from the scope of the present Bill.

The members then criticised the Bill generally and condemned it for not going far enough. Mr. M. R. Jayakar, leader of the Swaraj party, while supporting the restricted

Bill observed that the Swaraj party did not often find itself in a position to support a Government measure. He, however, thought that the Bill, whose principles he supported, should be radically altered in the select committee.

The first reading was then agreed to. The Swarajists having consented to work on the select committee.

On the 15TH MARCH the Council gave leave to introduce the following new Bills : A Bill to enable the Hindus of the Province of Sind to restrict themselves to Monogamous Marriages—by D. B. Adwani. A Bill further to amend the Bombay Land Revenue Code, 1879—by R. D. Shinde. A Bill further to amend the Bombay Town Planning Act—by L. B. Bhopatkar.

Mr. BHOPATKAR'S Bill to alter the constitution and to widen the powers of the municipalities was the first private Bill to come before the House for its first reading. This Bill from its very inception, sustained a strong opposition from the Government. Even the leave for its introduction was very grudgingly and ungraciously given by the Government in the last Poona session.

Mr. Bhopatkar's intention in moving that Bill was to meet the growing public demand to alter the constitution of the municipalities in the Presidency including the Province of Sind in such a way that the municipalities should be really useful to the public and free from official control. This Bill proposes to make all city municipalities wholly elected, the nomination being confined to 1/5 of the whole number of Councillors. There is a clause in the Bill intending to do away with the necessity of securing the previous sanction of the Collector for the discharge of certain functions.

The Hon. Member for Local Self-Government opposed the Bill on the ground that the Bill was of a very sweeping character and also the Government was very shortly going to introduce a similar Bill. Mr. D. K. Patil moved an amendment that the consideration of the Bill be postponed till the next session of the Council. The amendment was carried.

Amendment of Standing Orders.

After the private Bills were disposed off the second reading of motions to amend Standing Orders, which had been referred to Select Committee, were taken-up. The Select Committee had recommended that "provided the President permits, a member may move any of the resolutions that stand in his name, whatever their order on the agenda be, but no permission shall be given unless 24 hours' notice has been given to the Government member in charge, if he so desires." It was a very useful amendment but the Government benches opposing it very strongly it was rejected by 40 votes against 30.

Next day the 19TH MARCH, the last day of the Session, other motions to amend standing orders were taken up. Mr. Dev of Dhulia moved that the 12 days that were allotted to the Budget discussion should be considered very important and sacred and in those days no questions should be answered, or adjournment motions be moved. His intention in moving that amendment was to enable the House to consider the whole Budget. But the amendment was lost. Several other useful amendments proposed by the Swarajists were discussed and rejected by the House.

There were nearly 150 resolutions on the agenda paper of which only three could come before the House. One of them was to the effect to prohibit fishing in the Saharwati river. The Government assured Mr. Swaminarayan that it would consider the question sympathetically upon which he withdrew his resolution.

The other and the most important resolution regarding pay of Bombay peons stood in the name of Mr. Bole and was carried without a division even though the government benches opposed it strongly. Mr. Jayakar paid tribute to the loyalty, integrity and patriotism of the Bombay peons and supported the resolution on behalf of the Swarajya Party.

The Council session was then prorogued by order of His Excellency the Governor.

The Swaraj Party—Review of Council Work

"True to the wishes of the people they have to the best of their lights offered a fight to the Government at every turn and corner and have often come off successful after a hard fought struggle."

In these words the Swarajya Party in the Bombay Legislative Council concluded its report of one year's work in the Council. The report which was submitted to the members of the Bombay Legislature is a closely printed document of 44 pages recording in detail the part played by the party independently as well as in collaboration with the other parties in the Council in the legislative work of the presidency. The Bombay Council

Swarajya Party consisted of 33 Swarajists and 11 Independents and thus commanded "a trifle less than a third of total of 111 members who compose the Council"; about a third of the total forms the Government block while the remaining third is composed of the non-Brahmin party. The report claims for the Swarajya Party that it has creditably acquitted itself of the trust reposed in it by the electorates. It was not, however, able to oppose the Government as vigorously as sister branches could do in C. P. and Bengal Councils. Explaining the circumstances that led to this position the report chronicles the fact that the Bombay Legislature is more heterogeneous than any other Council in India and consists of representatives of four different parts namely Maharashtra, Guzerat, Sind and Karnatic which differ from each other not only in language and traditions, but even in their stages of political advance. The report says that the result is that the representatives from backward districts are still not free from official control and are unable to realise the significance of the Swarajist policy and programme. Referring to the non-Brahmin party which, the report says, invariably decides the vote of the Council, the Swarajya Party complains of the former party's persistence in not even giving an opportunity to the Swarajists to understand them by joint deliberations at least on important questions. The non-Brahmin party could not be persuaded, continues the report, to lend a strong and vigorous hand to the Nationalists in their struggle for political freedom. In the face of all disappointing factors the Swarajists and Independents have had to work. It is further claimed and it is in light thereof that their work has to be appraised by the electorates. The report also proudly chronicles the fact of the place of honour as the leader of opposition having been by common consent assigned to the Swarajist leader, Mr. Jayakar, and also the fact of the party members being clad in pure simple khadder.

The Autumn Session

POONA—20TH JULY 1925.

The Autumn Session of the Bombay Legislative Council commenced at Poona on the 20th July. After the swearing-in of new members the Council proceeded with the consideration of official Bills. The Government intimated the withdrawal of the Land Revenue Bill. Consideration of the Statistics Bill was postponed.

A resolution eulogising the services of the late Mr. C. R. Das was then moved, members of all the different parties and the President associating themselves with the spirit of the motion, which was carried unanimously.

The Council then proceeded with the second reading of the Bill for the Prevention of Adulteration of Food. Mr. Nariman urged the inclusion of a provision to include imported tinned food in the operation of the Act. Mr. Nariman's proposition did not meet with support.

On the 22ND JULY the Council passed the Adulteration of Food Act. The Bill to amend the Bombay Municipal Act which was under discussion and the clause regarding the appointment of a Municipal Commissioner was vigorously debated, Mr. Nariman moving an amendment suggesting the transfer of the powers of appointment and the removal of the Municipal Commissioner to the Municipality. The discussion was resumed next day, the 23RD JULY when the Council passed the third reading of the Bill to Amend the City of Bombay Municipal Act.

Co-operative Societies Bill.

The Minister for Excise then moved the second reading of the Bill to Consolidate and Amend the Law relating to Co-operative Societies in the Bombay Presidency. The object of the Bill was to facilitate the formation of co-operative societies for the promotion of thrift, self-help, and mutual aid, particularly among the agriculturists, in order to bring about better living, better business, and better methods of production.

There were 126 amendments notified. One of these suggested that the Bill be returned to the Select Committee to consider the question of popular control of the societies and a reduction of the autocratic powers of the registrar. The Government opposed the amendment, which was lost, and the second reading was passed.

On the 24TH JULY the debate on the Bill and an amendment to the clause relating to exemption from income-tax, court fees, etc., was adopted proposing that the Government should give loans to registered societies, or guarantee the payment of interest on debentures issued by them.

With regard to the clause relating to contributions to a charitable purpose, it was agreed that, with the approval of the Bombay Central Co-operative Institute, and after the stipulations regarding the reserve fund had been satisfied, a society might set aside a sum not exceeding 20 per cent. of its net profits, and utilise from time to time the whole of such a sum in contributing to any public or co-operative purpose, or to a charitable purpose, as defined in Section II of the Charitable Endowments Act of 1890.

On the 25TH JULY after a protracted discussion lasting nearly three days, the Bill to consolidate and amend the law relating to Co-operative Societies in the Bombay Presidency passed its third reading.

Bombay Rent Act.

The Bill to further amend the Bombay Rent Act, 1918, was then presented for its second reading. The report of the Select Committee, consisting of 17 members, showed that eight members wrote minutes of dissent.

Mr. Surve's motion for the return of the Bill to the Select Committee was rejected, and the House proceeded with the second reading of the Bill.

On the 28TH JULY the report of the Select Committee on the Rent Act Bill was again taken up. Clause II of the Bill, which was altered by Mr. Nariman's amendment, extended the life of the Act till 1928. It was sought to be amended by Mr. Surve's motion that the Act should be made applicable only to tenements, the rents of which ranged between Rs. 8 and Rs. 150 instead of Rs. 85 as stated in the Bill. The amendment failed when put to the vote.

Another unsuccessful amendment, which took up a good part of the day's debate, was one which sought to decontrol the rents of chawls and dwelling houses erected by employees.

Clause II of the Bill, amending Section I of the second Bombay Rent Act, was then adopted.

Consideration of Clause III was postponed, and the amendment of Dr. Velkar to insert in Clause IV, a provision to safeguard workmen against ejectment when a lock-out or strike had been declared, was forced to a division and declared lost.

On the 29TH JULY after some minor verbal amendments had been duly incorporated in the measure, the Co-operative Societies Bill was read a third time and passed into law.

The Council next proceeded to consider the Bill to amend the Bombay Rent Act clause.

Several members took part in the debate caused by Mr. Nariman's amendment, which sought to re-adjust the sliding scale of the increase in rents during the years 1926 and 1927. The amendment proposed a reduction

of the increase allowed by the report of the Select Committee from 30 per cent. to 20 for the first year, and from 40 per cent. to 25 per cent. for the second year.

The Government said that the increase of 30 per cent. was allowed as no increments in rents had been allowed for the last ten years, and the measure would prevent land-lords to be exacting or to profiteer in a commodity required by all classes of the community; yet it would give them a normal increase, so that tenants might not take undue advantage of the protection afforded by the Bill under consideration.

The remaining clauses were incorporated after some discussion and alterations. Rental for houses occupied after 1926 were granted an annual increase of 10 per cent. The second reading of the Bill was left over till next day to enable the Government to examine the Bill as amended.

The discussion of the first reading of the Bill to amend the Bombay Smoke Nuisance Act was not finished when the Council rose for the day.

On the 30TH JULY after consequential amendments the Bill amending the Rent Act passed the second and third readings.

The Bombay Port Trust Act was so amended that in future there should be no discrimination in the liability of the trustees between goods discharged by day or by night. Also the trustees were not to be held responsible if cargo was not removed by owners within 11 days of its landing in the Board's premises.

The Bombay Cotton Industry.

Mr. S. K. BOLE was then allowed to move the adjournment of the Council for the discussion of a matter of public importance. He submitted that in view of the grave situation in which the Bombay cotton textile industry found itself, and the possible effect of the decision of the Millowners' Association to reduce the wages of their workmen, which would affect 150,000 operatives of Bombay and their families, and also the effect of this situation on the welfare of the Presidency as a whole, the Governor-in-Council would be pleased to place the gravity of the situation before the Governor-General-in-Council, urging him to take such steps as would bring about immediate relief to the mill industry and the operatives working therein.

Mr. JAYAKAR, on behalf of his party, supported the motion, declaring that the Swaraj party had now vindicated their position that they were not subsidised by capitalists, as was the general belief some time back, but were some party standing between Labour and Capital. He asked the mill-owners if they had really investigated the question thoroughly, and if they had not found it reasonable to reduce profits and the salaries of their highly paid officers before deciding to cut down the wages of the mill operatives. He thanked the mill-owners' representatives for urging the Government to make a representation to the Government of India to take this industry in hand.

The FINANCE MEMBER said that the Bombay Government was placed in a difficult position. The abolition of the cotton excise, he said, must be debated with sober deliberation, and not with picturesque epithets. He believed that it was established that the mill industry was in a bad condition, and the loss on the citizens of Bombay would probably be not less than Rs. 10 crores. He reminded the House that the ques-

tions of exchange and currency were most complex, and it was unfortunate that the policy of the Government of India was accused of moral depravity. According to him, the millowners had not put forward their case with all the detail which they no doubt possessed, and that, whenever their allegations against Japanese competition were contradicted, the Millowners' Association did not move sufficiently to prove their case. He advised the establishment of a system of commercial intelligence. He refuted the charge of mismanagement levelled against the Bombay millowners, but he believed that the abolition of the excise duty would not put the mills on their feet, though it would serve as a palliative for the reduction of a part of their losses. As regards the wages of labour, he said that a cut of 11½ per cent. would be only a very minor palliative of the evil, as it would amount to only Rs. 70 lakhs, or a little more than 1 per cent. of the value of the total out-turn of cloth. Whether Japanese imports should be welcomed or not he left the House to judge. He also advised both the millowners and the advocates of labour to ask for an enquiry by the Tariff Board.

After the Government had expressed its desire to mitigate the difficulty of both the labourers and the capitalists, the motion was carried unanimously.

The Act to impose a tax on totalisator betting passed the first reading and a Select Committee to report thereon was appointed.

Abkari Act Amendment Bill.

On the 31ST JULY after question time, the first reading of the Bill further to amend the Bombay Abkari Act of 1878 was moved. The proposed amendment makes it illegal for any Club to sell liquor without a license, and enables the Government to obtain fuller control over the consumption of foreign liquor. Very little opposition was offered, and the Bill passed into law.

The Bill to give wider power in the management of Municipal affairs in certain cities was then introduced. The Bill was read for the first time, and referred to a Select Committee.

Transfer of Improvement Trust.

On the 5TH AUGUST Khan Bahadur Shaikh Ghulam Hussain HIDAYATULLAH moved the first reading of the Bill to transfer the powers and duties of the Trustees for the improvement of the City of Bombay to the Corporation and to vest the property and rights vested in the Trustees in the Corporation. In explaining the provisions of the Bill the Minister emphasised that in order to prevent speculation in prices of land the new Board would determine the price of land while considering a scheme and not when the scheme was finally sanctioned.

After further discussion the Bill passed the first reading and the proposition to refer the Bill to Select Committee was also passed.

Khan Bahadur Shaikh Gulam Hussain HIDAYATULLAH next moved a Bill to amend the Bombay Local Boards Act, 1923. He explained that the need for the Bill was due to the discrepancies in the elections brought to light in the past on account of the defective wording of the Act. This Bill also passed the first reading.

The Council also passed the third reading of the amendments to certain Standing Orders.

Children's Act Amendment.

Sir Maurice HAYWARD then moved a Bill amending the Bombay Children's Act 1924. Five new clauses had been added to the Act making it penal to be drunk while in charge of a child, to give intoxicating liquors to a child, to sell tobacco or any smoking mixture to a child or young person, to incite a child to bet or borrow and to take pawn from a child.

The Home Member pointed out that the Bill had been brought forward in fulfilment of a promise made to the House.

The first reading of the Bill was passed, and on the motion of the Home Member it was referred to select committee.

Mr. Lalubhai SAMALDAS moved that a certain sum be appropriated from the item "Miscellaneous" for the purpose of revising the pay of village establishments in Sind. A lively debate ensued during which the non-officials demanded from the Govt. a definite assurance to the effect that the Govt. would put an end to the "Rasai" and "lato" systems in vogue in Sind.

The Home Member explained the point of view of the Government and gave an assurance that if public co-operation were forthcoming, and if the House would help in putting into effect the recommendations of the "Rasai" Committee the Government would do all they could to end the "Rasai" and "lato" systems. The demand was then granted.

Among the other demands moved one relating to the purchase of a plot of land near Jacob Circle, Bombay, for Rs. 1,54,945 for the purpose of further strengthening the position of the police so that they could meet disturbances during times of industrial unrest was sanctioned.

On the 11TH AUGUST the Council resumed discussion on the Bill to amend the Bombay Village Police Act of 1867. The first reading of the Bill was passed and on the motion of the mover referred to a Select Committee.

Bombay Town Planning Act

Mr. L. B. BHOPATKAR then moved the first reading of a Bill further to amend the Bombay Town Planning Act of 1915. According to the statement of objects and reasons the Act had proved a source of danger to the rights of those persons whose lands happen to be included in the town planning scheme as the Arbitrator was invested with autocratic powers. The Tribunal of Arbitration was a mere tool in the hands of the Arbitrator. The whole Act was so conceived and framed as to benefit the local authority at the cost of the landholders within its jurisdiction. All sorts of restrictions are imposed upon the landholders without corresponding liabilities put upon the local authority concerned. Mr Bhopatkar gave concrete instances from what had taken place in Poona.

Mr. HIDAYATULLAH, Minister, raised a point of order as to whether the local Legislature had the power to add powers to the appellate jurisdiction of the High Court and whether such a power did not constitute interference with Acts of Parliament.

Mr. M. R. JAYAKAR, leader of the Swaraj Party, observed that the Bill proposed to add certain powers to the appellate jurisdiction of the High Court. A mere addition of such powers could not be deemed as affecting any Act of Parliament. If the Bill had aimed at taking away from the appellate jurisdiction of the High Court any of the powers vested in it

by Letters Patent of Parliament, then the Bill could be considered as being out of order.

Sir Maurice HAYWARD held that Mr. Jayakar's interpretation was not correct and that whether what the Bill had proposed was a mere addition or a subtraction of powers, it nevertheless affected the Act, and as such the local Legislature could not deal with such a Bill.

The PRESIDENT said a similar point of order had been raised in connection with the Bombay Children's Bill and was referred to the Governor-General. Mr. Bhopatkar's Bill to amend the Bombay Town-Planning Act of 1915 was referred to the Governor-General subsequently and yet sanction was given without any reference whatsoever to any part of the Bill. It was common knowledge that before sanction was given to any Bill the Governor-General usually referred it to the head of the Department concerned. It was, therefore, a matter of surprise that sanction should have been given to Mr. Bhopatkar's Bill, which contained a debatable provision similar to the one contained in the Children's Bill and referred to the Governor-General. He (the President) could either rule the whole Bill as out of order, or allow the House to proceed with the consideration of the first reading of the Bill, and the point of order could be considered before the Bill came up for the second reading. He preferred to adopt the latter course.

The discussion of the Bill was then continued and the first reading being put to the vote was lost.

The Swarajists' Withdrawal.

A meeting of the Swarajist members was held on the 14th August to protest against the treatment they were receiving in the Council, particularly the way in which the non-Brahmins supported the Government in refusing the formal motions for the introduction of Bills by Swarajist members at the meeting of the Council on the 13th August. After Mr. Joshi's Bill was defeated on this day (13th) he refused to ask for leave for any more Bills, and his example was followed by other Swaraj Party members. Since then they apparently decided to take no more part in that session.

On the 14TH AUGUST, when the Council met, the House proceeded to discuss non-official resolutions of general public interest. Mr. P. V. Joshi, who was the first on the list of resolutions, refused to move any of his three resolutions, and his example was followed by Mr. Dave, who had 10 resolutions in his name.

On the 15TH AUGUST in pursuance of the decision arrived at the day before the Swarajist members did not put the questions of which they had given notice, nor did they move the resolutions in their names. One or two members, of the non-Brahmin party also joined in the chorus of "I do not move the resolution, Sir."

The business of the Bombay Council was finished on this day primarily on account of the Swarajist members declining to move the resolutions that stood in their name. As the Governor had not intimated the proroguing of the House, the Council was adjourned sine die.

The Swarajists' Reasons for Withdrawal.

In announcing their decision not to take part in the proceedings of the

Bombay Legislative Council the Swarajist members issued a statement criticising the attitude of the non-Brahmin and Sind Moslem members. They state that they had given support to the non-Brahmins and Sind Moslems whenever their motions were in danger, but the result had been that the Swarajists had come to be regarded by those two parties as powerful levers for obtaining from the Government one concession after another, either communal or personal. The Government had gone on distributing their patronage among persons representing those parties in a manner which had had the effect of winning them over to the side of the Government.

The Swarajists did not desire to be converted into the unwilling instruments of communal or personal aggrandisement. The Government did not appear to be willing to accord to the Swaraj Party the position of respect and dignity which it deserved, by reason of its work and importance. Their one effort had been to try by all means, fair or foul, with the aid of the non-Brahmins and Sind Moslems, to defeat the Swarajists. Constituted as they were, the Swarajists were powerless to meet the tactics of the Government. They had, therefore, been compelled to resolve not to take part in the deliberations of the House, so that, with their withdrawal, the other section of the House which had so far remained inactive, would be thrown on their own resources, and would come to occupy their merited position, commensurate with their intelligence, strength and importance.

Concluding, the statement observes: "We are aware that this step involves the immediate sacrifice of minor advantages to the public, but this is inevitable. We are awaiting further development, and we venture to assure our constituents that all steps will be taken which are demanded by their self-respect and the dignity, of which we regard ourselves the custodians."

The October Session

POONA—21ST OCTOBER 1925.

The first meeting of the third session of the Bombay Legislative Council was held on the 21st October at the Council Hall, Poona, Sir Ibrahim Rahimtullah presiding. Curiosity as to what the Swarajists would do during this session, whether they would continue the tactics of non-participation in the proceedings, or revert to the old method of responsive co-operation, had brought in a good number of visitors. When question-time came the Swarajist members did not put the questions they had sent in nor read the answers which had been prepared and printed in the list of questions and answers. They acted in pursuance of the decision they arrived at their meeting the day before to continue the policy of non-participation which they inaugurated during the closing days of the last session.

On the motion of the Home Member the consideration of the first reading of the Bill to provide for the collection of statistical information for public purposes was postponed.

Betting Tax Bill.

The Finance Member moved the second reading of the Bill to impose a tax on totalisator betting and presented the report of the Select Committee thereon. The Select Committee had, by a majority, accepted the preamble of the Bill as well as the rate of tax recommended, namely, four per cent.

The motion for the second reading of the Bill was put to the vote and carried. Amendments to the Bill were then taken up for consideration.

Mr. S. K. Bole supported the Bill on the ground that the rate of tax proposed therein would go to add to the revenues of the Government. He suggested a rate much higher than that provided in the Bill.

Mr. C. N. Wadia, representative of the Millowners' Association, moved an amendment to the effect that the maximum rate of tax fixed by the Bill should be reduced to 2½ per cent, inasmuch as the Turf Club was a charitable institution and its capacity for doing charity would be crippled by the high rates of tax. After some discussion the amendment was lost.

Mr. H. M. Rahimtulla moved an amendment with the object that the tax proposed to be levied should really be a tax on the Turf Club and not on the public. The amendment was to provide that 90 per cent. of all the monies paid into the totalisator should be distributed among the winners. The amendment was lost.

The Home Member explained the point of view of the Government as being one of discouragement of gambling. The idea of a third enclosure did not originate in the Government but in the Turf Club; but when the third enclosure was started it was found helpful in suppressing the bucket shops and betting outside. He then moved the third reading of the Bill which was passed.

Stock Exchange Reform.

On the 22ND OCTOBER Mr. H. S. Lawrence, Finance Member, moved the first reading of the Bill to regulate and control certain contracts for the purchase and sale of securities in the City of Bombay.

The object of the Bill is that Government should take authority to enforce such rules as they may consider necessary for the interests of the public. This measure is in pursuance of the recommendations of the Stock Exchange Committee. Subject to the sanction of the Governor-in-Council, a stock exchange may make rules for the regulation and control of all transactions in securities other than ready delivery contracts. The Bill further provides the Governor-in-Council with power to refuse to sanction any or all of the rules and to add to, amend, vary, or rescind any of the rules. The first reading of the Bill was carried. The Bill was then referred to a Select Committee.

Children's Amendment Act.

Sir Maurice Hayward, Home Member, moved the second reading of the Bill to amend the Bombay Children's Act, 1924. Every one of the amendments of which notice had been given, was lost. A division was demanded on one of the amendments and the result was that the Government got a clear majority of 33 to 7. The Bill was read a third time and passed.

The Bill further to amend the Bombay Port Trust Act of 1879 was read a third time and passed.

Municipal Act Amendment Bill.

The Bill to give wider powers in the management of municipal affairs in certain cities was read a second time. As laid down in the statement of objects and reasons the principal object of the Bill is to provide a more adequate basis for municipal administration in the large cities of the Bombay Presidency. The Bombay District Municipal Act of 1905 applies to all municipalities in the Presidency, except the Municipal Corporation of the City of Bombay, and it has been felt each year with increasing force that the same Act cannot adequately provide for the needs of the larger and the smaller municipalities. Under the same Act, save where a chief officer or a municipal commissioner has been appointed the executive

administration centres in the managing and other committees. This may still be possible in the smaller municipalities, and in these the President may still be able to supervise and control the Municipal staff, and the Municipal Committee to perform the functions of an executive body. But in the large cities the Municipality can do little more than determine questions of policy. The Committees can exercise only a general control over the Municipal staff. It is therefore necessary to define with greater clearness the powers of the executive and to secure proper supervision and control by the appointment of a responsible executive officer, with clearly defined statutory powers, at the head of the Municipal staff.

An amendment was moved by Mr. R. G. PRADHAN to the effect that for the words, "the member of wards to be constituted for Mahomedans, non-Mahomedans and depressed classes," the words, "the constitution of wards, including a special ward for depressed classes," be substituted. The amendment was then put to the vote and lost.

On the 23RD OCTOBER the discussion on the Municipal Bill was resumed and considered clause by clause. Mr. A. N. Surve proposed an amendment that a person who pays, or promises to pay, any person whomsoever on account of the conveyance of any elector to or from any place for the purpose of recording his vote, as well as the person who hires, employs, borrows, or uses for the purposes of the election any boat, vehicle, or animal usually kept for letting on hire shall be deemed to have committed corrupt practice. Mr. Surve explained how in the past rich, but not deserving candidates had got into power by spending money freely and profusely for the conveyance of the voters to the polling booths and how specially in Bombay during elections corruption used to be rife. On the Minister in charge of the Bill accepting the clauses proposed they became part of the Bill.

On the 24TH OCTOBER Mr. A. N. Surve moved an amendment to the effect that a municipality should have power to regulate and restrict the slaughter of animals. The Minister in charge raised a point of order and held that the amendment proposed an addition of powers which did not fall within the jurisdiction of a municipality. Besides, the Government of India had not approved of the amendment. The President ruled the amendment out of order.

On the 26TH OCTOBER Mr. R. G. Pradhan moved an amendment to the clauses giving power to the District Magistrate to suspend by means of an order the execution of any order or resolution of a municipality and prohibit the doing of anything which is about to be done, or is being done by, or on behalf of, a municipality, and is doing, or is likely to cause, injury or annoyance to the public, or to lead to a breach of the peace, or is unlawful. The Collector is required by the Bill to forward such orders to the Commissioner and to the municipality affected thereby. The Commissioner is on his part required to submit to the Government a report of every such case.

Mr. Pradhan complained that in the past Collectors had interfered too often and for insufficient or no reasons with the working municipalities and that the Bill under discussion had left the autocracy of the Collectors unimpaired. It was, however, unreasonable and inexpedient to disarm the Collectors of all powers of interference inasmuch as the maintenance of law and order and the prevention of a breach of the peace were considerations of paramount importance in all administrations. It was but meet, therefore, that the Collector in his capacity as District Magistrate should have power to issue provisional orders.

The amendment was eventually lost. The Bill was read a third time and passed.

Mr. Hidayatullah then moved the second reading of the Bill to transfer the powers and duties of the trustees for the improvement of the City of Bombay and to vest the property and rights vested in the trusts in the Municipal Corporation of the City of Bombay. The Minister also presented the report of the select committee.

Both the motions were assented to by the Council.

Improvement Trust Bill.

On the 27TH OCTOBER the consideration of the Improvement Trust Transfer Bill was proceeded with.

Mr. A. N. Surve moved an amendment to provide for the representation of the poorer and working classes on the committee to be constituted under the Bill. The amendment also sought to deprive the mercantile classes of the representation proposed to be accorded to them. The amendment was lost.

Mr. Joseph Baptista moved the inclusion of the following clause: "The powers conferred by, and the duties imposed under, this Act on the Committee shall be exercised and performed by the Committee, subject to the general control of the Board."

The Minister in charge of the Bill agreed to the inclusion of this clause.

Mr. H. M. Rahimtullah moved the addition of the following clause: "The Board shall take over such of the development schemes of the Corporation as the Corporation may decide to transfer to the Board, subject to such financial adjustments and conditions as may be agreed upon, and on such decision being communicated to the Board all the formalities required under this Act before a scheme can be undertaken by the Board shall be deemed to have been observed." The amendment was put to the vote and lost.

On the 28TH OCTOBER Sir Vasantrao Dabholkar moved an amendment that all references pending before the Tribunal of Appeal be transferred to the High Court. After some discussion the amendment was lost.

Mr. Hidayatulla, Minister, moved a Government amendment to Section 10 which made municipal commissioners ex-officio members of the Improvement Trust Committee. The number of nominated members was increased to four by adding one representative of labour from among the members of the Municipal Corporation.

All other amendments were gone through, but the third reading was postponed for purposes of consequential amendments.

Official Bills Passed.

On the 29TH OCTOBER the Bombay Port Trust (Amendment) Bill was read a third time and passed, the most important of the amendments made being that goods, if not removed in seven days after landing, should remain on the premises of the Port Trust at the risk and expense of the owners.

The Bill to impose a tax on totalisator betting was read a third time and passed after being amended to the effect that the Act should come into force in Bombay during the ensuing racing season in December.

The Major Municipalities Bill was then taken up. A number of verbal and consequential amendments were moved and passed. The Bill was read a third time and passed.

The Finance Member then moved the second reading of the Stock Exchange Control Bill and presented the report of the Select Committee. In doing so the Finance Member said that the report was unanimous. It did not mean, as it might strike some people, that the Committee did not go fully into the merits of the Bill. The views of the Bombay Native Shares and Stock Brokers' Association were heard. The Bill had been so

amended by the Select Committee as to give power to the Government to extend the Act to cities other than Bombay.

Mr. Joseph Baptista congratulated the Government on the introduction of such a useful and long-needed measure. The Bill would put an end to what had long been one of the greatest scandals of the City of Bombay.

The Bill was then read a third time and passed.

Improvement Trust Bill.

A number of amendments to the Bombay Improvement Trust Transfer Bill were moved on this day and passed.

Mr. Hidayatullah, Minister, thereupon moved that the Bill be read a third time. In doing so he said that the Bill had been framed and brought forward in response to an insistent public demand for years. He hoped that the day would soon come when the Improvement Trusts would merge completely into the Bombay Municipal Corporation. Many members congratulated the Minister on initiating such a bold measure in deference to public opinion. The Bill was then read a third time and passed.

Bombay Municipal Act (City and District).

Mr. Hidayatullah then moved the first reading of the Bill to amend the Bombay District Municipal Act, 1901. The objects of the Bill are to provide that (1) persons sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, should be relieved from the disqualification on the expiry of the sentence or by an order of the Government in that behalf (2) persons dismissed from Government service, such dismissal having been notified in the "Bombay Government Gazette," and those being pleaders whose sanad had been withdrawn by the High Court, should no longer be disqualified from being members of a municipality.

The Bill was read a second and third time and passed.

The Bill to amend the Bombay Village Panchayats Act, 1920, and the Bill further to amend the Bombay Local Boards Act, 1923, on the same lines as the previous measure, were read three times and passed.

The first reading of the Bill to amend the City of Bombay Municipal Act, 1883, was moved. The object of the measure is to provide that persons sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed, or quashed, should be relieved from the disqualification on the expiry of the sentence, or by an order of the Government in that behalf. The Bill was, however, read the first time and referred to a select committee.

On the 30TH OCTOBER, on the motion of the Finance Member, the Council approved of the report of the Committee on Public Accounts for the year 1923-24 and recommended to Government that effect be given to its recommendations. The Council also recommended to Government the introduction, as soon as possible, of the scheme for the formation of the Bombay Subordinate Engineering Service.

The Council then proceeded to deal with demands for supplementary grants. Mr. Jadhav, Education Minister, moved for a demand of Rs. 21,130 for a grant-in-aid to the Bombay Boy Scouts Association. In doing so he said that the Government had decided that the Boy Scouts movement could no longer be regarded as a Government establishment. The financial assistance to the Association should, therefore, in future be regarded as grant-in-aid.

After some discussion the grant was sanctioned. Some other demands of a technical character were also passed.

Proposed Corrupt Practices Bill.

Mr. Joseph Baptista moved a resolution in order to voice the views of the Council on the Corrupt Practices Bill proposed to be introduced into the Legislative Assembly. He said that there was no one more intolerant of corruption of all kinds than himself and yet he could not see his way to support the Bill. The Muddiman Committee had, no doubt, unanimously recommended such a piece of legislation. The Muddiman Committee had muddled unanimously through many things. Their recommendation was not based on any evidence of corruption. There was no need for the legislation proposed. If it was passed it was bound to be a dead letter. Besides, it was likely to tamper with the independence of the members of the Legislatures. It was possible to bring charges against members. In the United States of America such legislation had not been found useful. On the other hand, it had led to ingenious evasions of the law.

Proceeding, Mr. Baptista said that he did not believe in the potency of the Penal Codes, nor in their purificatory character. He did not believe that laws could make men moral. He relied upon the sense of honour of members of the Legislatures.

Sir Maurice Hayward said that when he announced before the House at the commencement of the present session that the Government of India had sought opinion on the proposed Corrupt Practices Bill, and that it would be in the fitness of things if a non-official member of this House would move a resolution expressing the view of this House, he hardly realised that the question would be dealt with in the manner in which Mr. Baptista had treated it. What he (Sir Maurice) did expect was approval of the principle of the Bill after the good example of the Legislative Assembly and constructive suggestions for the improvement of the Bill in parts. He did not expect the wholesale and sweeping condemnation, that the Bill was derogatory to the dignity and independence of the members of this House.

The resolution was lost, 27 voting against it and 24 for it.

Non-Official Bills.

On the 31ST OCTOBER the second and the third reading of the Bombay Village Police Act (Amendment) Bill were gone through in a few minutes with slight amendments.

Mr. D. R. Patil moved the second reading of the Bill further to amend the Bombay Hereditary Offices Act, 1874, and presented the report of the Select Committee. The original purpose of the Bill was to do away altogether with the power of Government to punish the representative "watandar" or "watandars" for the offence or misconduct of a deputy. The Select Committee however had by a majority decided that it was necessary that Government should retain the power of directing the absolute forfeiture of the watan of the nominating "watandar" and of his co-sharers, at least as regards offences against the State.

After some discussion the consideration of the Bill was postponed.

Mr. S. K. Bole moved that a Bill further to amend the City of Bombay Municipal Act, 1888, be read a first time. The object of this Bill is to democratise the constitution of the Municipality of the City of Bombay by reserving seats on the Corporation for representatives of the backward and the depressed classes. It proposes also to correct the distribution of the elected seats to be filled by each Municipal ward by introducing representation according to population and the lowering of the franchise from a Rs. 10 rental to a Rs. 5 rental.

On the 2ND NOVEMBER during question time Sir Vasantarao Dabholkar asked if the attention of the Government had been drawn to a confidential circular sent by a non-official member of the Council to the Indian members of the Imperial, Provincial and Subordinate Forest Services requesting them to furnish him confidentially with information regarding the constitution and working of the Forest Department, and whether a copy of the circular would be placed before the Council.

Bombay Municipal Act

The discussion of the first reading of the Bill to amend the City of Bombay Municipal Act was then resumed. There was a great deal of opposition to the Bill, both from the official and the non-official benches. Put to the vote, the motion for the first reading of the Bill was lost.

The Home Member then moved that a Bill to regulate and amend the law relating to the Courts in Sind be read for the first time. The object of the Bill is the creation of a Chief Court, consisting of a Chief Judge and three or four Puisne Judges with salaries sufficient to attract and retain permanently experienced judges, both from the Bar and the Services. The Chief Court, under the Bill, will have the power of making special rules for its own procedure, not only on the Appellate but also on the Original side of its jurisdiction as a High Court.

After some discussion the Bill was read the first time and referred to a Select Committee.

The Bill further to amend the Bombay Hereditary Offices Act, 1874, was taken up and with slight amendments read a third time and passed.

Mr. Noor Mahomed moved that a Bill further to amend the Bombay Local Boards Act, 1923, be read for the first time. The object of the Bill is to have an authenticated record of marriages for the purpose of production whenever required in a court of law. The debate on the first reading was not over when the Council rose.

On the 3RD NOVEMBER after some discussion the motion for the first reading of the Bill to amend the Bombay Locals Act was put to the vote and carried. Subsequently the Bill was referred to a Select Committee.

The President said that under the Standing Orders Mr. Surve's Bill further to amend the City of Bombay Municipal Act, 1888, was out of order, inasmuch as the principle underlying it was the same as that underlying Mr. Bole's Bill which the Council had rejected by a majority.

Mr. Joseph Baptista was then given leave to introduce a Bill further to amend the Bombay Prevention of Gambling Act with the object of making certain verbal alterations in the Act in order to remove the ambiguity in the definition of the term "gambling."

Leave was also granted to introduce a Bill to amend the law relating to the emoluments claimable by Watandar Hindu priests and a Bill further to amend the Mamlatdars Courts Act, 1906.

Sir Vasantarao Dabholkar moved: "This Council recommends to the Governor-in-Council that an extra allowance be paid to the Police Force in Bombay up to the rank of Inspector for the hard and risky work which they have to do during the present mill strike in the city and for any other labour strikes in future."

Mr. Montgomery, on behalf of the Government, said that the matter was already under the consideration of the Government.

Dr. K. E. Dadachanji moved: "This Council recommends to Government to draw up a comprehensive scheme of sanitation and medical relief, both in the municipal and rural areas, and place it before the Council so as to reduce the heavy mortality from plague, cholera, malaria and other epidemics in the Presidency."

A number of speakers laid stress on the need of a medical relief and

sanitation policy complementary to the education and excise policies of the Government.

Next day, the 4TH NOVEMBER, the Education Minister, Mr. Jadhav, said that the Government had already taken up the consideration of problems of sanitation and medical relief and were endeavouring to extend the scope of medical relief in municipal and rural areas. The mover of the resolution had slightly exaggerated the conditions in the rural areas. Those conditions were not so bad as had been pictured. The mover had asked for a committee. It was doubtful if the Council would agree to it. The resolution was then put to the vote and carried.

The excise policy of the Government of Bombay came in for criticism by Mr. R. G. Pradhan, who moved a resolution asking for a small committee consisting of some elected members of the Legislative Council, officials and financial experts, to consider and report on the financial measures that should be introduced in order to give full effect to the policy of prohibition of the traffic in alcoholic drink and drugs.

Mill Workers' Wages.

On the 5TH NOVEMBER, the last day of the Session, Mr. Surve moved : " This Council recommends to the Government to appoint a committee to enquire if the 11½ per cent. reduction in the wages effected by the mill-owners of Bombay is at all necessary."

Mr. Surve said that the millowners had resisted and fought against all attempts at an enquiry, and thus alienated every section of public opinion. The millowners were obstinate in their attitude. They had no case. If they had a case, why should they refuse to submit to an independent enquiry ?

Refusing on behalf of the Government to accept the resolution, Mr. Cowasji Jehangir said that the enquiry asked for was impracticable and futile. The resolution was put to the vote and rejected by a large majority.

Betting by Youths.

Mr. Surve next moved : " This Council recommends to the Government to insert a condition in the license given to the Western India Turf Club prohibiting persons under 21 years of age from betting on the totalisator."

Mr. Montgomery, the Home Secretary, pointed out the impracticability of the suggestion made in the resolution. The resolution was put to the vote and lost.

The Council then accepted a resolution, moved by Mr. S. Nekaljay, recommending to the Governor-in-Council to recommend to the Imperial Government to consider the question of giving further opportunity to Mahars of enlisting in the army.

The Council was then prorogued.

Punjab Legislative Council

SIMLA—6TH JUNE 1925.

The Gurdwara Bill.

After a fortnight's adjournment the Punjab Legislative Council re-assembled on the 6th June in the Assembly Chamber, Simla to consider the Gurdwara Bill as amended by the Select Committee. (See Vol. I).

The agenda also included other official business. The visitors' galleries were crowded, the Sikh element being predominant. A large number of members were present. Lady Hailey watched the proceedings from the Viceregal box.

Although the list contained over 100 questions these were quickly disposed of. In the majority of cases the Government's reply was: "The answer is not yet ready and will be communicated to the member when ready." In a number of cases members asked for a reply to be laid on the table. Mr. Bodh Raj asked why an answer was not ready, and was told by Sir Fazl-i-Husain that the enquiry and the collection of material took time. Mr. Buchi Ram Sahani protested, urging that the replies should be available when asked for after due notice later. Sir John Maynard said that the delay was due to the fact that the detailed information asked for required time to collect, hence the Government's inability in the majority of cases to supply the information that day.

Sardar TARA SINGH moved the consideration of the Gurdwara Bill. He congratulated the select committee, composed of members of all communities, on the cordiality and expedition which they brought to bear on their deliberation of such an important and historic piece of legislation. The Bill was divided into four parts. They had to decide what places were Gurdwaras, what property attached to them, what compensation was to be awarded to those who at present controlled them and what form of management should be provided for the future. The Bill was a compromise measure. He was not, however, satisfied with every provision in the Bill. He wanted the Central Board to be adequately armed to discharge its duties and responsibilities together with the local committees of management. He appealed to all members of the House to support the Bill. He did not consider the notes appended by Raja Narindranath and Dr. Narang as dissenting notes, but as the suggestions of friends of the Sikh members.

Dr. Gokulchand NARANG, leader of the Swaraj Party, speaking on behalf of the Hindu members of the Council, supported the Bill. He said his note attached to the Select Committee's report was not dissenting, but only contained suggestions for the consideration of the Sikh members. He had appealed to them to be generous in their hour of victory. The Udasias were the most hit. They had partly to thank themselves for it. A large number of them were good and pious men, but the sins of a few among them had fallen on the heads of all. Nor had they organised themselves sufficiently to impress their point of view on the Government. He and the Hindu members had done their best to put forward the Udasai view, but it entirely depended upon the Sikh members to accept their suggestions or not. The Udasias were faced with a similar situation as confronted the monks and nuns during the reign of Henry VIII. King Henry told the Members of Parliament that if they did not enact the law confiscating property monasteries, he would take the heads of some of them. The members of the Punjab Council were in a lucky position. No such threat hung over their heads (laughter). Mr. Craik, Chief Secretary had told them that the weaker must go to the wall. He (the speaker) considered no sin greater than weakness.

Mr. Craik: I said the minority must go the wall.

Dr. Gokulchand Narang: That makes no difference. It does no credit to a representative of a Government to say that a minority must go to the wall. In this case the minority interest involved is not as material but when in future the Government has to protect the interests of the minority and do it justice it will have to revise the dictum.

Continuing, Dr. Narang said that as regarded Gurdwara management, in the interest of justice and fair play, Sikhs might favourably consider the cases of those

Mahants who were suitable for their present posts. He was glad to find that Sikh members were willing to agree to take proper care of the Samadhis (graves) of Udasī Saints.

However, he was sure that the Gurdwaras would be safe in Sikh hands. (Applause.) Whether they should be in Sikh hands or in Udasī hands was a matter of domestic concern to the Hindu community. What was important was that a third party should not interfere. The Hindus and the Sikhs were brothers; and he congratulated the Sikhs on having secured a treaty with the Government represented by the Gurdwara Bill. He hoped that its terms would be honestly adhered to, and that by direct or indirect means, the provisions of the Bill would not be undone. He also hoped that, as a result of private discussions with Sikh members, some amendments would be carried. He hoped the Sikh members, on the conclusion of their religious struggle, would throw the full weight into the national movement in the country.

Sir John MAYNARD said he wished to correct a misinterpretation put upon Mr. Craik's observations by Dr. Narang, who had taken one sentence from the text. What Mr. Craik was pointing out was that in a religious matter such as the one dealt with by the Bill the view of the majority of a community must prevail, and that of the minority go under. The Government always stood for the protection of minorities. Indeed, the Gurdwara Bill itself was proof of their anxiety to protect all interests. That was why, for instance, they had provided for local committees of management to be elected by the local electorate to manage the local gurdwaras. He repudiated the suggestion that the Government would not protect the minority against encroachment on the part of the majority.

Sardar Narain SINGH referred to the history of the Sikh movement and the alleged mismanagement of the Udasīs, which led to the organisation of the movement. The speaker was called to order when referring to Jaito, where he said the Sikhs had gone only for religious reasons. Continuing, he assured the members that the Sikhs did not aim at a Sikh Raj, but would co-operate with sister communities in the management of the country's affairs.

Mr. Maqbool MUHAMMAD welcomed the Bill. The solution of a most difficult question was in sight. He attached the greatest importance to the provision for universal franchise and female franchise. He hoped the Sikhs would establish, by proper use of the franchise, an irrefutable argument for its extension in the country. He congratulated the Government for having displayed constructive statesmanship in the past. Government had an unpleasant duty to perform, and they did not forget it, even in face of unpopularity. He assured the Sikhs of the hearty support of the Moslems.

Mr. Jawahar SINGH said that all was well that ended well. Sikh relations with the Government would now be more closely cemented than hitherto. He particularly thanked Sir Malcolm Hailey, who had piloted the Sikh ship through the troubled waters.

The motion for taking up consideration of the report of the select committee was then put and carried without dissent.

The Amendments.

The amendments were next discussed and a large majority of them were either not moved or withdrawn after discussion.

Dr. Gokulchand withdrew one amendment after receiving an assurance from Sardar Jodh Singh and Sardar Tara Singh that the graves of Udasī saints in the Gurdwaras would be kept under repair and respected, and that Sikhs would always be ready to separate the temples and Hindu places of worship from the Gurdwaras.

Another amendment of his was accepted in an amended form. It proposed the deletion of the words "for himself" which were inserted at the instance of the Legislative Department of the Government of India. The object of this was that a petition of claim to property included in a consolidated list be made by a person, either because of his own interest or because of his interest in an institution. As the Bill stood, it conceded the right only on personal interest.

The House then proceeded with the consideration of each clause of the Bill. Altogether there were 90 amendments, mostly in the name of Lala Bhodraj, Sardar Bhoota Singh and Dr. Gokulchand Narang, only a few were actually moved. Two amendments of Sardar Bhoota Singh were accepted. One amendment proposed that no person should be eligible for election as a member of the Board who was an Amritdhari Sikh.

Sir Fazl-i-HUSAIN said that the adoption of the amendment would deprive a large number of Sikhs of the right of election to the Board. If the Central Board, by a majority of three-fourths of its members, passed a resolution not less than two years after the

first board came into office to the effect that no Amritdhari Sikh be eligible as a candidate for membership to the board, the special Committee of Management or Local Committee of Management, then the Government would agree to annul that decision. He emphasised two points, firstly—that the majority to pass the resolution should be a very big majority; secondly, the calm atmosphere they all desired would, it was hoped, very soon be reached, and, it was believed, would be in full swing after two years. If such a resolution was carried by the Board, it would carry very great weight.

Sardar Bhoota SINGH then withdrew his amendment. The other amendment of Sardar Bhoota Singh was to the effect that the General Board Fund should be applied not only to the payment of expenses lawfully incurred, but that any surplus amount might be used for religious, charitable or educational purposes.

Sardar Tara Singh accepted the amendment, which was carried. Practically all the amendments were withdrawn and the last clause, Clause 147, was agreed to amidst applause.

Court Language of Commission.

Sardar Bhoota SINGH moved the addition of a new Clause 148, laying down that the court language of the Judicial Commission under the Bill be Gurmukhi (Punjabi) unless the Commission directed the use of any other language. Several Moslem members raised the objection that the amendment had not been circulated.

Sir John MAYNARD said an amendment had originally been tabled urging Punjabi as the court language of the Commission, and the present amendment only amended that drastic amendment by giving discretion to the Commission in respect of the use of any other language.

Mr. Sadiq, Mr. Shah Nawaz, Mr. Afzal Haq and Mr. Abdul Asis strongly protested against making Punjabi the court language. The Hindu members Mr. Nanak Chand and Mr. Bodh Raj supported the motion, pointing out that the Judicial Commission would consist only of Sikhs.

Mr. AFZAL HAQ asked whether that was the first fruit of Moslem support for the Sikhs, and blamed the Government for abandoning the Moslem members, though they had always supported the Government in the past. Mr. Shah Nawaz said that the select committee had rejected a similar suggestion.

Mr. Abdul AZIZ suggested as a compromise that only English be used by the Commission, and neither Urdu nor Punjabi. The Government was in a mood to concede all that the Sikhs wanted. He wanted the Sikhs of the attitude which Moslem members might adopt in the discussion of the schedules next day.

Sir Fazl-i-HUSAIN, replying in Urdu, said the discussion had both pained and amazed him. The question raised by the amendment was of no material importance. The Government had not even considered it in the Executive Council. The Commission was not a law court, but only a special body, and the amendment left to the discretion of the Commission the use of any language. He however left it to the Sikh members to consider whether they should press that unimportant amendment, in view of the feeling expressed by some members.

Sardar Jodh SINGH said he regretted that an innocent motion should have been made the occasion of threats by the Moslem members. He was therefore, obliged to say that if anybody helped the Sikhs in respect of the Gurdwara Bill, it was the Government and not any other community.

The President at this stage adjourned the Council till next day when the amendments were further discussed and the schedule considered.

On the 7TH JULY Sardar Jodh SINGH, continuing his speech in support of the amendment suggesting the adoption of Punjabi as the Court language of the commission, assured Moslem members that the amendment was not the thin end of the wedge to raise the language issue. He repudiated the insinuation that the Hindus had instigated the Sikhs to move the amendment.

Sir Fazl-i-HUSAIN suggested a new amendment, namely, that the language of the Judicial Commission be determined by the Commission from time to time. This amendment was carried without opposition.

Schedule I was next considered and, without discussion, five Gurdwaras were omitted from it and two were added. This was done as a result of private arrangement. The remaining schedules were passed without discussion.

Sir Fazl-i-HUSAIN contradicted the rumours among Sikhs outside the Council that the Government would not agree to the adoption of the title of Shromani Gurdwara

Parbandhak Committee as the name of the Central Board, if the Board so decided. If the Committee dissolved and transferred its assets to the Central Board and gave up the control of gurdwaras to the local committees, or to the Central Board, till the local committees were constituted, the Government would have no justification in refusing to sanction the name of the Parbandhak Committee.

Sikh Prisoners.

Sardar TARA SINGH, in moving that the Bill, as amended, be passed, thanked all those who helped in framing the Bill and in supporting it. Special thanks were due to Sir Malcolm Hailey for his efforts in the solution of what at one time appeared to be a difficult problem. He also thanked Mr Craik, Chief Secretary, the Education Minister, Mr. Dalip Singh, and the members of the Sikh Council for their help. He appealed to the Government to remove all their doubts and strengthen the hand of friendship which had been extended by Sir Malcolm Hailey and accepted by the Sikh community. The Government could easily create a healthy and pleasant atmosphere by releasing those who were in jail. Such an event would remove apprehensions and enable both sides to start a new era with a clean slate. (Applause.)

Sheikh Muhammad HUSAIN, in supporting the motion, said the release of the Sikh prisoners in jail, including those leaders of the present Sikh movement, before whom Sardar Tara Singh and his friends were but small fry (laughter), was essential if the Bill was to be given a fair trial.

Mr. Sewak Ram also appealed for the release of the Sikh leaders now in jail.

Sardar Gurbakh SINGH (Ambala), said there could be no joy in the hearts of the Sikhs unless the Sikh leaders were released. In order that there should be a healthy atmosphere for the successful working of the Bill the Sikh prisoners should be unconditionally released, kirpans should be free from restriction, the Jaito pilgrims should be free to conduct their religious observances and notifications declaring as unlawful such organisations as the Parbandhak Committee, Akali Dal and Akali Takt should be withdrawn. He thanked also the Sikh Sudhar committees for their help in connection with the Bill. He hoped the Sikh pant would give the Bill a fair trial.

Tribute to the Governor.

Professor Ruchi Ram SAHNI said the Governor had shown both justice and statesmanship in tackling the question, and the thanks of all were due to Messrs. Buckle and Emerson for their help. He also appealed for the release of Sikh prisoners when the Bill received the assent of the Governor and the Viceroy.

Sardar Jodh SINGH, in supporting the motion, said in all their consultations with the Government the Sikhs confined themselves to the Bill and did not refer to any other matter, as had been alleged. The Sikhs knew that it was utterly useless to make other requests to the Government before a basis of agreement was found. Now, however, the fight was over, but there was the question of release of prisoners. One thing the Sikhs had learnt from the fight, and that was that the Government would not tolerate defiance of the law. Dr. Gukul Chaud had pleaded for no harsh treatment for the Udasis and others under the Bill. He assured them that it would be the duty of Sikhs to treat the Udasis in no harsh spirit. He appealed to the Government not to wait for a request from the Sikh prisoners, but to release them. Justice demanded it.

The Bill was then passed amidst loud applause.

On the motion of Sir John Maynard, the Punjab Motor Vehicles Taxation Amendment Bill was introduced, taken into consideration and passed without discussion.

Similarly, on the motion of Sir Fazi-i-Husain, the Vaccination Law Amendment Bill was introduced and finally passed. The remainder of the business was left over for consideration in the next session in Lahore.

H. E. The Governor's Speech

9TH JULY 1925.

On the 9TH JULY Sir Malcolm HAILEY, Governor of the Punjab, addressing the members of the Punjab Legislative Council on the subject of the passage of the Gurdwara Bill made the following announcement regarding the conditions of release of certain of the Sikh prisoners who were arrested during the Gurdwara agitation :—

community, but the position occupied to-day by the managers of these shrines, secured as it was by a hereditary tenure, was not an easy one for the preponderant majority of Sikhs to face, and it was clearly not one which our civil courts, with their regard for established possession and settled usage could attempt to rectify.

Powers of the Courts.

"On another point of difficulty our courts could not operate. Many of the managers were men whose lives and whose services to the institutions were not open to reproach, but there were others of whom that was certainly not the case, and in this life the irritation bred by one open scandal will destroy obligations established by years of good work. With the scandals our courts could deal, but here again the procedure was far from rapid, and the result not always certain. It is not perhaps surprising that a demand should have arisen for the recognition of a purely communal management of Sikh institutions, and for liberty to deal both with endowments and their managers, unhampered by rights based on the usage of the past. Demands of this nature have constituted a common feature of religious development elsewhere in the world, and in one form or another efforts have generally been made to meet them. Our attitude was never one of opposition to the principle itself. If we differed, it was in our contention that the change could not and should not be effected by direct action, or by show of force. It could only be secured with the assent of the other communities which would be affected by the contemplated change of system, and could not be effective unless it were ratified by legislation.

The Gardwara Bill

"Here, then, was the real problem. There were times when other issues seemed to obscure it, and we ourselves felt strongly that the religious difficulty was being pressed by sections to all appearance for other objects, and certainly in a manner which could not conduce either to the advantage of the community itself or the ordered progress of the Punjab. Nevertheless, it remained for settlement, and if other issues existed, they could not be judged on their merits, nor handled in an even temper on either side until the religious problem had been isolated. It is that problem which the Bill you have just considered is intended to solve. How far it meets the primary requirements of such a measure, the safeguarding of interests of other communities which claim their share in the use of shrines, the protection of minorities within the community itself, the compensation of persons whose connection with the management is terminated, are questions which time must answer. It has already this in its favour. It is a Bill promoted by Sikhs themselves, and accepted in this House by other communities with a cordiality which has obviated the necessity of a single dividing vote. It is freighted with the hopes of Sikhs for their future tranquility and the religious security of their community. It is launched amid the fair auspices of good-will from others, but its success depends on the spirit and temper in which Sikhs themselves approach the administration of its provisions. Hindus have long worshipped at many of the shrines with which it deals. Some of those contain relics of Hindus who have ministered to their service in the past. Let a wide spirit of tolerance regulate the dealings of Sikhs with them. The Udasīs have in the past deserved well of the Sikhs. Let a discriminating liberality characterise relations with those members of the sect, against whom no charge of mismanagement can be laid. (Hear, hear). The minorities among the Sikhs cherish their position in the community. They share its traditions and have contributed to its achievements. Let the majority remember that rigidity in doctrine and exclusiveness in practice foster schism and disintegrate religions. (Hear hear.)

Alkali Prisoners' Problem.

"I have given my word of advice to the Sikhs, and you will reasonably ask: What share is the Government prepared to take in endeavouring to secure the smooth and successful working of this measure? It has shown its goodwill in the preparation of the Bill. It has given its support to the Council. Is it ready to go no further? Appeals have been made to us to remove the sting and to obliterate the memory of the differences of the last few years by a general amnesty to all prisoners, and by the withdrawal of all pending prosecutions. It is admitted that we have throughout maintained the attitude that this measure must be considered on its merits as the legislative solution of a religious problem. We gave our support to the measure under no conditions, express or implied, but it can be pleaded against us, and on our own admission, that many of those now imprisoned have offended against the law with no felonious intent. At the best they are sufferers in the cause of religion. At the worst they have yielded inadvisedly to the misdirection of others. It is urged again that so long as large numbers of the community

are still held in prison misunderstanding and rancour will persist, and the efforts of those who have been working for this settlement will be frustrated. Their task has not been easy, for they have met with much opposition from certain extreme sections. Unless we now assist them the very operation of the Bill itself may be imperilled. The appeal is powerful. It is one which would carry force even were the Government itself not anxious to work for that better understanding which we hoped that the Bill would help to foster. We have considered that appeal anxiously, and with every sympathy. Nor did it seem right to miss the earliest occasion of acquainting the Punjab legislature with our decision. I must remind you that the Bill still has to obtain the assent of the Governor-General, and that certain of its clauses require validation by the Indian Legislature.

The Government's Contribution.

"The Punjab Government is, however, prepared at once to take such steps as it feels to be possible, without risk to the maintenance of order or to a recurrence of those troubles which it is our object to compose. We cannot agree to a general or unconditional amnesty, but we are prepared to liberate all those who will undertake to follow the procedure laid down by the Bill for the settlement of difficulties which may arise in connection with the possession of shrines and their future management—(hear, hear)—and to refrain from resort to other courses. We feel that those who cannot accept or give effect to a solution proposed by their own representatives in this Council, and supported there unanimously by all the representatives of other interests concerned, are not fit subjects for the clemency of the Crown, nor would their liberation conduce to the atmosphere of peace and mutual toleration which can alone make this measure successful in operation. But it is best that I should read to you the precise terms of our decision. It is as follows :—

Here follows the announcement given on page 287.

Release of Jaito Jathas.

"That is the contribution which the Punjab Government brings to the furtherance of those aims which actuated this Council when it passed the Gurdwara Bill. But there is another outstanding problem, one intimately connected with the trouble which has agitated the Sikhs in the Punjab, though its scene does not lie within our own borders. I mean that arising from the despatch of jathas to Jaito. I am permitted to say that the Government of India, on their part, have not been less anxious than the local Government to recognise the determination now evinced by the Sikh community to seek a constitutional solution of their religious difficulties. They desire to mark this occasion by a measure which, while maintaining the authority which every Indian State must claim for itself, and which it is our duty to assert for a State under our charge, will nevertheless allow full freedom of access to those who desire to use the shrine at Jaito for legitimate purposes of worship. (Hear, hear.) By the favour of His Excellency the Viceroy, I am allowed to read the following announcement which will appear in the next "Gazette."

- "The Administrator of Nabha will release Sikhs now detained in Nabha, or imprisoned there after conviction by criminal courts (other than persons who have been convicted of or are under trial for crimes of violence or incitement to such crimes), in connection with charges arising out of the recent agitation regarding the Gangsar Gurdwara."
- "The Administrator of Nabha will permit bands of pilgrims to proceed for religious worship to the Gangsar Gurdwara under the following rules :

 - (a) That they abstain from holding political diwans or spreading political propaganda during their sojourn within the State boundaries.
 - (b) That they confine themselves to the use of the gurdwara itself, and such reasonable space around it as may be set apart for their accommodation.
 - (c) That they will be self-supporting during their visit, the village and mandi of Jaito being excluded from the area set apart for their accommodation.
 - (d) That any such band will arrive at Jaito by rail or by a road decided upon by the Administrator, and that suitable arrangements shall have been made to ensure that any such band of pilgrims will be unaccompanied by any sangat or following.
 - (e) That the date of the arrival of any such band at Jaito is communicated to the Administrator in order to enable him to make suitable arrangements in connection with the same."

Need for Cooperation.

"These then are the decisions of the Government, framed with the single and sincere desire to contribute to the successful working of this measure, and in the sincere hope

that this may be followed by the return of the Sikh community to the paths of settled order, and to its old relations of trust and confidence in the Government. And now it is for those who guide the opinions of the community, whether inside or outside this Council, to make their choice and to shape their course. If they have ever felt the cause of their religion was at any time in peril, they must now realise that, with the assistance of this legislature, they have secured a measure which enables them to look with assurance on the future. For the rest, I counsel them to think with earnestness and with foresight on the future of their community. It cannot stand alone. Its welfare and its progress are bound up with the development of the great province of which it forms a part. For that development we need harmony and tranquillity, mutual trust, not only between the community and the Government, but between every section and class of the people. On that foundation alone we can rear the great edifice of the future. If they truly desire to establish the position of their own people, let them strive for that concord, realising that in the well-being of the whole lies their own prosperity and their own success. Their people have inherited great traditions from the past, they have great qualities no less valuable in the conditions of to-day. Let them contribute these not to any jealous or partisan ambition for their community alone, but to the tranquil, the ordered and the united progress of the whole of the Punjab".

The December Session

LAHORE—3RD DECEMBER 1925.

The December Session of the Punjab Legislative Council was held at Lahore on the 3rd December. After the election of Chandhuri Sahabuddin as the President of the Council the House proceeded to transact official business.

The Punjab Tenancy Amendment Bill was introduced and referred to a Select Committee, and eight Government demands for supplementary grants were voted without discussion.

A lively debate followed over the next demand, in respect of Miscellaneous (reserved), asking the Council to vote supplementary grants of Rs. 26,150 to meet the estimated expenditure during the current year over the Police Enquiry Committee, and Rs. 20,850 to meet the expenditure over the Jail Enquiry Committee.

A number of non-official members opposed the motion, criticised the scope of the terms of reference of the two Committees and put in a strong plea for more non-official members on both Committees. The administration of the jails came in for a good deal of severe criticism from members, who asked that the scope of the terms of reference of the Jail Enquiry Committee be widened, and include among its members such men as Lala Lajpat Rai, who had experience of jail life, and who could elicit valuable information from witnesses.

Mr. Dunnett, Home-Secretary, replying on behalf of the Government, pointed out that Government had not fixed any period for the Jail Enquiry Committee, and if the volume of evidence was considerable and the Committee could not finish its work within the time limit, the Government would certainly extend the period.

On the 4TH DECEMBER the Council discussed a non-official resolution which recommended to the Government that non-official members of the Council be made non-official visitors of jails within their respective constituencies, and after a lively debate the resolution was carried without a division.

Female Franchise.

Lala Budh Raj then moved a resolution recommending the Government so to amend the Punjab Legislative Council electoral rules as to remove sex disqualification in the matter of registration on the electoral roll of persons who are entitled to vote in elections held for the Punjab Council. He strongly advocated the cause of female franchise, saying that the time had come when no restrictions should be put on women's rights on account of their sex, or on account of some false and ancient conservative customs prevailing in India.

On the 7TH DECEMBER Mr. Budhraj's resolution on the female franchise was continued, and after three hours' debate in which several non-official and official members took part, the resolution was adopted without a division amidst applause.

Mandi Hydro-Electric Scheme.

Professor Buchanan next moved a resolution recommending the appointment of a Committee to enquire into and report on the relative merits of the Mandi hydro-electric

and Madhopur schemes, and requesting that no further expenditure be incurred on the Mandi scheme till the report of the proposed Committee had been examined by the Government. The resolution was opposed by Mr. Sangster, Chief Irrigation Engineer, Punjab, and was under discussion when the Council adjourned.

Next day, the 8TH DECEMBER, after three hours' debate the Council rejected Professor Ruchi Ram's resolution on the Mandi Hydro-Electric scheme and the Madhopur scheme.

Rai Santh Chotta Ram, Minister for Agriculture, opposed the motion, and said the Madhopur scheme was technically unsound. The appointment of another committee would only delay the Mandi scheme and waste a good deal of the money the Government had already spent.

Another resolution moved by Chaudhuri Dulichand, recommending preferential treatment to statutory agriculturists and the stoppage of further recruitment of non-agriculturists till the deficiency of zamindars in the various Government services was made good, was talked out after an hour's discussion.

Supplementary Demands

On the 11TH DECEMBER Sardar Joth Singh's amendment for a reduction of Rs. 1 from the supplementary grant demanded by the Government to meet the expense of elections under the new Gurdwaras Act was resumed, when a number of non-official members once more took the opportunity of appealing to the Government to release the Sikh prisoners.

Sir John Maynard, replying on behalf of the Government, informed the House that the time for the measure asked for had not yet arrived, and he did not want to add to the mischief which was being done by too much talk on the subject.

The amendment, however, being put to the vote, was carried without a division.

The original demand with a reduction of Rs. 1 was then passed without discussion, and the rest of the supplementary demands of the Government were then voted in quick succession.

Punjab Money Lender's Bill

On the 12TH DECEMBER Mr. Maqbool Mahmud introduced the Punjab Money Lender's Bill amid some opposition, and moved that the Bill be referred to a Select Committee.

Sir John Maynard, explaining the attitude of the Government, said that the money-lender was essential for the rural people and their requirements, and about Rs. 10 crores were required annually by agriculturists in the Punjab from money-lenders to carry on their business. The aim of the present Bill was to deal with one particular evil, namely, the bad and vicious system of account-keeping by money-lenders, and, in the event of the Bill issuing from the Select Committee in a form which the Government did not approve, it might take any attitude it thought fit, but for the present he supported the Bill on behalf of the Government for reference to a Select Committee.

On the 14TH DECEMBER the Council devoted fully four hours to the discussion of the motion of Mir Maqbool Mahmud for referring the Punjab Money-lenders Bill to a Select Committee, which evoked strong opposition when the Bill was introduced.

After a lively and heated discussion the motion was carried by 44 votes to 10.

Raja Narendra Nath moved an amendment to the effect that the names of Mr. Gmy, Rai Bahadur Dhanpat Rai, and Sardar Narain Singh be added to the Select Committee. He said that the measure savoured of a class and communal measure, and, in requesting the Council to add the names of those three members, he wanted to balance the number of supporters and opponents in the Select Committee.

Sir John Maynard opposed the amendment and said that the Select Committee should not consist of such a large number of men.

Dr. Gokulchand Narang challenged the statement of the Government that the measure was a purely economic one and pointed out that it was special pleading for a special class. He was surprised to see the Government supporting the measure and hoped there would be a limit to such unlovely alliances.

The amendment was lost and the Bill was referred to the Select Committee consisting of the members proposed by the mover.

The Punjab Aerial Ropeways Bill was introduced and referred to a Select Committee, and the Punjab Tenancy Act (Amendment) Bill, as reported on by the Select Committee, was taken into consideration and passed.

The Council then adjourned *sine die*.

U. P. Legislative Council

LUCKNOW—19TH AUGUST 1925.

The first meeting of the United Provinces Legislative Council was held on the 10TH AUGUST, Rai Bahadur Lala Bita Ram was elected President by a majority of votes.

References were made to the death of Mr. C. R. Das, Sir Surendranath Banerjee and others.

Municipalities Act.

On the 20TH AUGUST Pandit Hargovind PANT moved that the Bill to amend the United Provinces Municipalities Act of 1916 be taken into consideration. He said the Bill sought to extend the municipal franchise and aimed at removing the ban against political offenders who had been imprisoned for more than six months. Raja Jagannath Bux Singh's motion that the Bill should be circulated for the purpose of eliciting public opinion was carried by 38 votes to 30.

The Bill to amend the District Boards Act of 1922 was referred to a select committee consisting of 23 members.

Pandit Yajna Narain UPADHYA moved a resolution recommending the appointment of a committee to suggest means of alleviating unemployment among the educated classes in the Provinces. The motion was adopted with an amendment by Khan Bahadur Fazluddin who suggested that the Directors of Agriculture, Industries and Education should be members of the committee.

On the 21ST AUGUST, the debate on the resolution regarding the amendment of the Municipal Act of 1916 was resumed. After considerable discussion, in the course of which several members stated that the Act contained many defects and needed overhauling, while others declared that it was impossible to postpone the elections on such grounds, Mr. Mehetra's amendment to the effect that the elections should not be postponed was accepted. The resolution, as amended, was then discussed and defeated.

High School and Intermediate Education.

Dr. Ziauddin AHMAD moved that the Governor, acting with his Ministers, should appoint a committee to consider the scheme of high school and intermediate education, and the desirability of reducing the secondary education course to eleven years, followed by a three years course for the ordinary B. A. course.

In the course of the discussion, Dr. Ganeshprasad and Dr. Saadat Ahmad supported the motion. They considered that the Board of High School and Intermediate Education Act had done more harm than good to education in the Province. Dr. Ziauddin said the recommendations of the Sadler Commission were not suited to the Province. Dr. Ganeshprasad said he feared that the operation of the Board of Intermediate Education Act had tended to lower the standard of examinations in the Province. Dr. Saadat Ahmad Khan said that boys were made to waste two years of their life in studying for intermediate examinations.

Jail Administration.

On the 22ND AUGUST, Babu NEMISARAN moved a resolution recommending to the Government to appoint a committee to revise the Jail Manual so as to make jail administration more humane and more in accordance with modern ideas. Further, that all practices in jails which savoured of racial distinction should at once be stopped; that expenditure per head of the jail population should be uniform, irrespective of the class, or race of any individual prisoner, and that a standing committee of the Council be appointed to advise the Government in the Jail Department.

The mover made a number of allegations of ill-treatment in the jails although he admitted that many improvements had been made.

The Maharaja of MAHMUDABAD, Home Member, said he had been trying his best to remove all just and reasonable grievances. That prison diet was more or less wholesome was evident from the fact that prisoners mostly gained in weight. In conformity with

the rules of the Jail Manual the Government were doing their best to eradicate all racial distinctions. After further discussion the resolution was carried without a division.

Punitive Police Tax.

Chandhry Badan SINGH moved a resolution recommending to the Government to absolve the residents of places where punitive police were stationed from liability for the payment of punitive police tax from the 1st August, 1925.

The Home Member, in opposing the resolution, pointed out that the demand put forward in the resolution was in itself against the express provision of the law. The tax had a different effect on would be rioters, and before Chabelum and Daschra had passed off it was impossible for the Government to withdraw the punitive police from the areas where communal relations were strained. The resolution was carried by 29 votes to 35.

Political Prisoners.

Babu Damodar DAS recommended to the Government to exempt all those persons who were dismissed from Government service or sentenced to imprisonment in connection with the non-cooperation movement or on political grounds, from the disqualifications debarring them from seeking election to local bodies.

Mr. Hafez Hidayet Humain moved an amendment inserting the phrase "not involving moral turpitude" after the word "dismissed from Government service." The amendment was accepted by the House but the resolution as amended was defeated.

Raja Jagannath BUX SINGH moved a resolution recommending that the Council Chamber, including the wings, should be completed at as early a date as possible. It surprised him to learn that the present intentions of the Government were to build a Council Chamber without the wings. As originally planned all the Ministerial offices attached to the Secretariat were to be accommodated in the wings of the Chamber, and if the building of the wings were postponed there would be considerable difficulty in accommodation. The resolution was carried.

Encouraging Jail Industries.

On the 24TH AUGUST a demand for Rs. 64,377 (gross Rs. 70,867) under the head "General Administration" resulted in some discussion. Amendments were moved urging a reduction in the amount of purchase of tents for district officers on grounds of financial stringency, but Sir Samuel O'Donnell explained that considerable reduction had already been made. Nearly a lakh and a half was badly needed to renew tents but in view of the present financial conditions Government were going to provide at present only Rs. 50,000 on this account. The amendments were negatived.

The Council adjourned *sine die*.

The December Session

LUCKNOW—14TH DECEMBER 1925

After an interval of about four months the United Provinces Legislative Council met on the 14TH DECEMBER with Rai Bahadur Lala Sitaram in the Chair. The business of the House was confined to a condolence resolution on the death of the Queen-Mother, swearing in of Members, and presentation of the report from the Committee of Public Accounts.

Compulsory Primary Education Bill.

On the 15TH DECEMBER, in introducing the Bill on rural education, the MINISTER of Education said that the first thing that attracted his attention on assuming the duties of Minister was the need for extension of primary education in the rural areas. In spite of the best intention of the Government and public spirited men nothing substantial could be done for the welfare of the villagers owing to their lack of education. Their ignorance stood in the way of the eradication of social evils from their midst. Villagers could not understand the elementary principles of hygiene, of modern methods of agriculture, and of co-operation for the common good, in short, they could not discriminate between what was good and what was bad for them. The sole remedy was the spread of education amongst them. Owing to various reasons, nothing short of compulsion would do so far as the ignorant villagers were concerned. If it were left to their will to send their children to school, several ages would elapse before the average villager could be

deemed sufficiently educated to understand what was conducive to his welfare. He would remain in ignorance to be driven and directed by his fellowmen from the cities.

The element of compulsion in the Bill need frighten no one. Compulsion would be enforced in small selected areas at the outset, and, if it succeeded, its scope would be widened. The Government had brought the Bill before the Council after careful and anxious consideration. The state of primary education in the Province was carefully investigated by Mr. K. P. Kishia, who was deputed for that purpose. Mr. Kishia submitted a report and the Bill was based on that excellent report. Further, Kunwar Jagadish Prasad, Education Secretary, and Mr. Mackenzie, Director of Public Instruction, had carefully considered the Bill in all its aspects and in all its clauses. It would go to a Select Committee which would suggest additions and alterations to improve the Bill. The Bill was being discussed when the Council adjourned.

On the 16TH DECEMBER, the debate on the Ministerial motion that the Compulsory Primary Education Bill be referred to a Select Committee, was resumed.

Lala Mathura Prasad MERHOTRA said the curriculum of the primary schools should be so drawn up as to render compulsory education most beneficial to the sons of agriculturists. The children of the soil must be taught how to improve their methods of agriculture and their cottage industries. They must be made to understand the principles of co-operative credit. The Government should not ignore the question of funds. If the District Boards were left alone to finance their own primary schools, they would never take the initiative and apply for the introduction of compulsory education within their jurisdiction. The Government should shoulder the greater portion of the financial burden and render all possible assistance of the District Boards.

Mr. Kunwar Jagadish PRASAD, Education Secretary, said the Government were perfectly alive to the fact that unless the education sought to be spread in the villages was in conformity with the need of the rural population, the Bill, when enacted would be worse than useless. The Government would carefully consider the question of specially trained teachers for employment in rural primary schools. There was no occasion for the Government to insert a taxation clause in the Bill. Under the District Boards Act of 1922 local bodies had been given sufficient powers of taxation and their sources of supply were not yet exhausted.

Rai Rajawar BALI, Minister of Education, expressed his gratitude for the reception that had been accorded to the Bill from every section of the House. The schools which would come into existence under the Act would be primary schools for boys of ages varying from 6 to 11 years, who could not be expected to understand much of religion or morals. The best thing would be to get the type of teachers that would be able to influence the boys by setting good examples. The Bill was only in its elementary stage now and before its final adoption the Government would certainly take advantage of the valuable suggestions from the different members.

The Minister's speech brought the debate to a close and the Bill was referred to a Select Committee.

Government Service and Caste Distinction.

On the 17TH DECEMBER Pandit Brijnandan Prasad MISRA moved: "The Council recommends to the Government to remove all prohibitions of caste with respect to the admission of people to the public services if they are otherwise qualified, and to cancel all orders, regulations or instructions containing such prohibitions, and to order the consequent correction of the departmental manuals and other papers accordingly." At the outset the mover made it clear that he did not intend that any sort of racial bias should enter into the discussion. The motion was restricted to the question of castes belonging to different races and it had nothing to do with any religion. In the Police Department certain castes were debarred from entering some branches of the force. As an instance of his remark he quoted a paragraph from the Police Manual in which it was put down that Brahmins should seldom be nominated for entry into the mounted police force. In another paragraph of the Police Manual it was stated that enlistments to the armed and civil Police forces from certain low castes should, as far as possible, be avoided and that Kayasthas and Banias should seldom be enrolled. The speaker asked to be informed on what basis and with what motive the Government make those restrictions.

In seconding the resolution, Mr. MUKANDILAL moved the following amendment:—For the words "Remove all prohibitions of caste with respect to the admission of people to the public services if they are otherwise qualified, and to cancel all orders, regulations or instructions containing such prohibitions and to order the consequent correction of departmental manuals and other papers accordingly", substitute the words "issue instru-

tions to all departmental heads, officers, selection boards and selection committees that they should admit into and select for Government service all persons (otherwise qualified), irrespective of caste, creed, religion and race, and that the Government be pleased to cancel and expunge from the departmental manuals or codes all prohibitions, restrictions, disqualifications, regulations and orders which bar any individual from entering into, competing, or offering himself for any department of Government service. Mr. Mukandilal said that the original resolution and his amendment were both based on the Queen's Proclamation of 1858.

The Maharaja of MAHMUDABAD, Home Member, regretted that he could not accept the resolution on behalf of the Government. The principle underlying the resolution was undoubtedly excellent, but unfortunately there were administrative difficulties in the way. If a chamber were to be enrolled in the police force and be appointed sub-inspector of police, he would not only not be able to discharge his duties properly, but his own life would be made miserable because of caste prejudices. If he were to go to a village, he would not be permitted to enter the house of any high caste man, Hindu or Musselman. Not many men would give him a glass of water to drink if he were thirsty. He would not even be permitted to draw his own water from the village wells. There were certainly restrictions in the Police Manual in regard to the enlistment of the members of criminal tribes and wandering gangs, but those restrictions had to be made, as the Government did not think that habitual lawbreakers were suitable candidates for enlistment to the police force.

After a prolonged discussion Mr. Mukandilal's amendment was put to the vote and rejected, while the original resolution was carried without division.

Adult Education.

Khan Bahadur Hafis Hidayat HUSAIN moved: "This Council recommends to the Government to take steps for the promotion of adult education in the municipal and rural areas of these Provinces at an early date." The mover said the subject had now begun to attract considerable public attention, but he doubted if its scope or significance was fully realised. According to the census report the proportion of literacy per thousand was 24 in 1911, and 37 in 1921. The progress made was insignificant and inadequate. More sustained efforts were needed both by the Government and by the public. There should be a network of night schools, and a portion of the educational grants to the District Boards should be earmarked for this purpose. The mover referred to the Governor's Darbar speech and appealed to every one to aid the Government in educating the Council's "masters"—the voters.

Mr. A. H. MACKENZIE Director of Public Instruction, said that the Education Department had no intention to oppose such a resolution. On the contrary they welcomed it. The Department had already taken the initiative in that direction. As early as 1921 they addressed a certain number of municipal boards in regard to this matter. The Government had first to make some experiments and watch if there was a demand for adult schools. The experiments were confined to six municipal boards only. In those six boards there were at present 80 schools with a total roll of about 2,300 students. Government readily defrayed the entire cost. The experiments had proved sufficiently successful and the Education Department hoped similar schools would be started by more municipalities. But the Government's financial responsibility must have a limit and in future municipal boards would be asked to bear their reasonable share of the cost. The speaker was afraid that the municipal boards would not be much inclined to finance even such an excellent scheme. In the interior of certain districts similar attempts had been made, but only with indifferent success. Failure was due not merely to lack of finance, but because of the difficulty of finding a sufficient number of adult students at one centre and because of the lack of suitable teacher for such institutions.

The resolution was adopted unanimously.

Motion for Adjournment.

On the 18TH DECEMBER Babu NEMISABAN wanted to know what action the Government had taken against Mr. T.J.C. Acton, District Magistrate of Bulandshahr, for alleged discourtesy to Pandit Nanakchand, M.L.C. when the latter wanted an interview with him.

The Finance Member replied that the Government had received no complaint from Pandit Nanakchand and therefore did not propose to take any action.

The Finance Member's reply gave rise to a series of supplementary questions and ultimately two members, Pandit Brijmandan Prasad Mishra and Babu Vikramjit Singh, gave notice to the President of their intention to move the adjournment of the House in order to

discuss the action of the Government on the conduct of Mr. Acton, the District Magistrate of Bulandshahr.

Rai Bahadur Lala Sita Ram, President of the Council, expressed the view that the adjournment motion was in order and ruled that unless it was disallowed by the Governor, the motion would be taken up that day.

The Council then discussed non-official resolutions.

Pandit Hargovind PANT moved: "This Council recommends to the Government to remove Kumaon from the Scheduled Districts Act and to appoint a committee to revise and to consolidate the local rules with a view to presenting a Bill which serves this purpose for the consideration of the Council." The mover said Kumaon was much in advance of the rest of the United Provinces in the matter of education, and it was a pity that such a division should be classified in the same category as the wild tracts inhabited by half-civilised people like Bhils and Gonds.

Babu Bhagwati Sahai Bedar moved an amendment recommending the appointment of a committee to suggest necessary measures for getting Kumaon removed from the scope of the Scheduled Districts Act. The resolution as amended, was adopted by the Council.

Mr. Aslam SAFI moved for leave to introduce a Bill to amend the United Provinces Municipalities Act of 1935, as amended by Act 2 of 1919. Leave was granted by the Council.

Pandit Nanak Chand was granted leave to introduce a Bill to amend the Allahabad University Act of 1931.

The Council then discussed the following resolution: "This Council recommends to the Government that instructions be issued to the Record Officers that in districts where record operations are going on they should not disturb the existing rights wherever they are corroborated by the last (current) settlement entries."

The Finance Member and the Member of the Board of Revenue opposed the resolution which, after a dull discussion, was adopted by the Council.

Adjournment Motion Carried.

The motion for the adjournment of the House subsequently came up for discussion.

Pandit Brijnandan Prasad MISRA moved: "This House be now adjourned." He narrated at length the incidents that led to the questions put to the Council. Pandit Nanakchand, M. L. C., wanted an interview with Mr. T. J. C. Acton, Collector of Bulandshahr. Mr. Acton refused it and some curt letters were exchanged between the Pandit and the Magistrate. The Pandit took exception to certain remarks of the Magistrate. Babu Vikramjit Singh, in seconding the motion, said that an insult to a member of the Council was an insult to the Council. The Magistrate's letter was discourteous to a degree.

Mr. BURN dealt point by point with the matter. Firstly, there was a grievance because an official had been discourteous to a member of the Council. The Government always disapproved of discourteous behaviour on the part of any of its officials to any visitor, but such instances were admittedly rare. Secondly, the House had made its grievance that the Government took no action. As a matter of fact, the Government took action one month before notice of the question had been received. The Chief Secretary had already addressed a letter to the Commissioner of Meerut Division to convey to Mr. Acton the Governor's disapproval of his action. If the replies to the questions and supplementary questions put to-day were not to the satisfaction of the members, he (the speaker) craved the indulgence of the House. It was unfortunate that Sir Samuel O'Donnell, who was to reply to the questions, had been, by reasons of his health, kept away from the House. The speaker had had no time to prepare himself for the questions.

After the Finance Member's speech, several members requested the mover to withdraw the censure motion. After some discussion, the adjournment motion was put to the House and carried by 81 votes against 30.

Development of Rural Area.

On the 19TH DECEMBER Pandit Govind Ballabh PANT, the leader of the Swaraj party moved the following resolution:—

"That this Council recommends to the Government to allot the sum of Rs. 56 lakhs remitted this year by the Government of India out of the Provincial contribution, fixed by the Meston Committee, for rural development, such as the promotion of agriculture, cottage industries, primary and vocational education, improvement of sanitation, water-supply, communications, and housing in villages, etc., to form a development fund, to which the above and all other sums that may hereafter be so remitted be transferred, and

to constitute a Development Board, consisting chiefly of members elected by this Council, with a Secretary or a Commissioner appointed by the Board from among the public men, to carry out such development?

In moving the resolution, Pandit Govind Ballabh referred to the condition of the rural population in the United Provinces. Education was in a very backward state in the rural area. Their economic position was worse still. The industrial scope of the people was narrow, and their resources very restricted. Pressure on land was on the increase from day to day, and the transfer of holdings was going on continuously. The different cottage industries that were a source of income to agriculturists had been throttled by Manchester, Tokio, Liverpool, and New York. The Government must tackle more earnestly, more vigorously, the problem of rural re-organisation.

Rai Bahadur Baba Vikramjit SINGH moved an amendment to the effect that for the words "transferred and to constitute a Development Board, consisting chiefly of members elected by this Council, with a Secretary or a Commissioner appointed by the Board from among the public men to carry out such development" be substituted by the words "placed at the disposal of the Hon. Ministers to spend in accordance with the advice of a Development Board, to be constituted of official and non-official members of the Legislative Council, on which there should be a non-official majority, to carry out the above scheme."

The amendment was supported by Thakur Hansman Singh, Nawab Mahomed Yusef, Thakur Manbal Singh, Dr. Nafat Ahmed Khan, and Mr. Mukandilal, and accepted by the mover of the resolution.

The Nawab of CHATTABI, Minister of Industries, assured the Council that the Ministers and the Government were trying their level best to develop the rural area in every respect. The Government was aware that there was much that yet remained to be done. He greatly appreciated the anxiety of members to devote more money for the Nation-building Departments, but he feared that the establishment of a Development Board was unsound on principle. There was not much sense in adding a fifth wheel to the carriage of State.

After several other speeches Babu Vikramjit Singh's amendment was put before the Council and adopted. The resolution, as amended, was then carried by the Council.

Government's Excise Policy.

On the 21ST DECEMBER, Pandit Govind Ballabh PANT moved. "This Council recommends to the Government that they should declare unequivocally by embodying in the Excise Manual, that the aim and object of the excise policy of Government is total abstinence, which should be promoted by all legitimate means." The mover pointed out that on the 31st March, 1935, a resolution was adopted by the Council asking the Government to accept total abstinence as the aim and object of their excise policy. A similar recommendation was made by the excise conference held early this year.

Mr. BLUNT, Financial and Excise Secretary to the Government, pointed out that the present excise policy of the Government, as stated in paragraph two of the Excise Manual, might be epitomised in the phrase: "the promotion of temperance by all legitimate means". Was there a great difference between this statement and the aim enunciated by the mover in his resolution? During the past few years the force of public opinion among the consuming classes, on the one hand and the restrictions imposed by the Government in pursuance of their policy, on the other hand, caused a striking decrease in consumption. Government doubted whether the absence of any reference to excise revenue in their statement of excise policy would materially improve matters. Further, the Excise Manual was now being revised and would shortly be published in a new form.

After some further discussion the resolution was put to the House which divided. Before the proposal was negatived by 39 votes to 16.

Revenue Commissionerships.

On the 22ND DECEMBER Chaudhary Badan SINGH moved: "This Council recommends to the Government that they should move the Government of India to take necessary steps for the abolition of the Revenue Commissionership in these Provinces."

Rai Sahib Lala Jagdish PRASAD moved an amendment urging upon the Government to make proposals in pursuance of the recommendations of the Commissioners' Committee appointed in 1932 to the Government of India for reduction in the number of Revenue

The amendment was accepted by the House.

The **FINANCE MEMBER** regretted that the Government could take no action in regard to the reduction in the number of Commissioners until the effect of the new treasury legislation on the Commissioners' appeals was seen.

The resolution, as amended, was carried by the Council.

Representation of Depressed Classes.

On the **23RD DECEMBER**, the last day of the December Session, **Babu KHEM-CHAND** moved : " This Council recommends to the Government to arrange that at least one member from among the depressed classes shall be nominated to each municipality and notified area in the United Provinces of Agra and Oudh with the exception of the municipalities of Agra and Cawnpore, to which two members should be nominated."

In moving the resolution **Babu Khemchand** pointed out that the depressed classes were represented in all the district boards in the United Provinces. It was only just that those men should have some sort of representation in the administration of municipal areas, where a large number of them resided.

Raj Bajwar BALI, Minister of Local Self-Government, said the resolution had all his sympathy. As a matter of fact in making the nominations this year he had already acted upon the principle recommended. Wherever it was possible he had nominated one member to a Municipal Board to represent the depressed classes. The Minister, however, regretted his inability to accept the resolution as it stood. The Government could make only two nominations in the Municipal Boards of Agra and Cawnpore and at these two places the Government could not restrict their choice to the depressed classes only.

After some further discussion the resolution was amended by **Thakur Manjit Singh Rathore** to read as follows :—" This Council recommends to the Government to arrange that at least one member from among the depressed classes shall be nominated to each municipality and as far as possible in the notified areas in the United Provinces.

The resolution, as amended, was adopted by the Council.

Khan Bahadur Maslvi FASIHUDDIN moved : " This Council recommends to the Government to issue instructions to all record and settlement officers to the effect that they should not force or ask zamindars to pay for coolies employed by amins for doing survey work, or to supply such coolies at their own expenses.

After a prolonged discussion, the resolution was adopted by the Council.

Translation of Science Books.

Pandit Yajna Narayan UPADHYA moved : This Council recommends to the Government to establish a bureau of translation for rendering all useful books in modern sciences and other branches of knowledge into the vernacular, and to provide at least one lakh of rupees every year for this purpose."

Mr. A. H. MACKENZIE, Director of Public Instruction, said he appreciated the intention of the mover. It was not possible for the large majority of men in these Provinces to get a glimpse into the untold wealth of scientific literature, for lack of readable vernacular books on the subject. He could not commit the Education Department in any way but he would not oppose it.

The resolution was adopted by the Council.

Retiring Home Member.

At this stage the President of the Council announced to the House that within a fortnight the Maharaja of Mahmudabad was relinquishing charge of the office of Home Member, an office he had held since the inauguration of the Reformed Council. Before taking his seat the President paid a glowing tribute to the services rendered to the Province by the Maharaja as a Member of the Executive Council.

The announcement of the President was followed by valedictory speeches from every quarter of the House.

The Council concluded the last day of its winter session and adjourned till January, 1926.

Bengal Legislative Council

CALCUTTA—12TH AUGUST 1925.

The August Session.

The first meeting of the August session of the Bengal Legislative Council was held on the 12th August. Sir Evan Cotton, the President of the Council, presided.

After the new members had taken the oath of allegiance, the President made reference to the death of Sir Stuart Bayley, Mr. C. B. Das, and Sir Surendranath Banerjee.

Referring to Mr. C. B. Das and Sir Surendranath Banerjee Sir Evan Cotton said: "Leaders may be of many kinds, but one attribute which is essential to success as a leader is a magnetic and commanding personality. This quality was possessed in the fullest degree by the two great men whose death we are deploring. Mr. Das had been a member since 1921, and the Council Chamber will seem a very different place without him. To me he always conveyed the picture of a great Roman Senator, and I used to sit and watch with admiration the consummate skill with which he led his party. Of Sir Surendranath, we can truly say that, during his long life of 78 years, he stood for the whole history of politics in Bengal. He had a long tenure of office in the Bengal Council, and was one of the first Ministers under the Reforms Act. The eloquence of these two great men was not alike, but there is not one of us who will not miss the silvery tongue of Sir Surendranath, and the calm compelling voice of Mr. Das.

The only other item was the election of the President. Out of three candidates Kumar Shishubhakeswar Roy secured the largest number of votes.

Next day, the 13TH AUGUST, Kumar Shishubhakeswar Roy, the first elected President of the Bengal Legislative Council presided over the discussions of the Council, his election having been approved by the Governor. After taking his seat, Kumar Shishubhakeswar paid an eloquent tribute to Sir Evan Cotton, the retiring President.

The Howrah Bridge Bill.

The Legislative business consisted of the reference of the Howrah Bridge Bill to a Select Committee of 24 members, and the introduction and passing of the Bengal Highways Bill.

Mr. T. EMERSON, in moving that the Howrah Bridge Bill be referred to a Select Committee, said that at the August session of 1924 a Select Committee was appointed by the votes of that Council, but, as a result of a subsequent motion that the Bill should be circulated for the purpose of eliciting opinions, the appointment of the Select Committee fell through. It was for that reason that a fresh Committee was proposed to be appointed at that session. The result of the circulation of the Bill for the purpose of eliciting opinions had been to show that the weight of opinion generally was against the expense that would be incurred in constructing a permanent bridge for which purpose that Bill was originally framed. The Bill, however, admitted of modifications in its taxation clause, so as to provide for a semi-permanent bridge, if such a type was preferred by the Council on account of its smaller cost. Omitting from consideration bridges of the pier and girder type, as they were considered inadvisable on account of the risk to the Port owing to the possible effect of the piers on the course of the river and its tides,

three main types of bridge which were considered suitable for their purpose: first, a cantilever bridge, the cost of which would be Rs 25 lakhs per annum spread over 60 years; second, a trestle bridge, which would cost with its approaches Rs. 24 lakhs per annum for 40 years; and, thirdly, an improved and wider single floating bridge on the present site, the cost of which was estimated to be Rs. 15 lakhs per annum for 40 years.

Continuing, Mr. Emerson said the finance clause of the Bill provided for raising by taxation the amount required to meet the loan charges for the capital cost of a permanent bridge of the cantilever type as recommended by the Committee of Engineers. If the construction of such a bridge were undertaken, the Government of India would

consent to the taxation specified in clause 2, sub-clauses 2, 4, and 5. If, on the other hand, a bridge of a semi-permanent type were to be constructed, such as a floating bridge, taxation under those sub-clauses would have to be omitted from the Bill. Though adhering to the opinion that the need of Calcutta could be met adequately only by the provisions of a permanent bridge, the Government, in view of the great weight of opinion opposed to the expense that would be involved in its construction, were prepared to accept the Council's decision as to the cost that should be incurred in constructing the new bridge. It would be the duty of the Select Committee to consider all the opinions that have been elicited by the circulation of the Bill, and to give full weight to such opinions in making their recommendations to the Council.

Dacca University Bill

Sir Abdur Rahim then introduced a Bill further to amend the Dacca University Bill. There were several amendments, which were being discussed when the Council adjourned.

On the 14TH AUGUST the Dacca University Amendment Bill was passed. Both the amendments moved by Swarajists, one urging the circulation of the Bill, and the other referring it to a Select Committee, were defeated by 15 votes. The Bill aimed at making statutory the provision of Rs. 5 lakhs, which the Council granted for the last five years. The Bill was passed without opposition.

There was a lively discussion on the supplementary demand made by Sir Hugh Stephenson of Rs. 14,000 for expenditure under "Band Establishment of the Governor." Sir Hugh explained that in the last year's Budget, the original demand for this purpose of Rs. 80,000 was reduced to Rs. 24,250. It was impossible to maintain a fine orchestra with that amount. Several amendments refusing the demand were negatived, and the demand was ultimately granted, after which the Council adjourned.

On the 19TH AUGUST the Council carried three resolutions without opposition from the Government.

The first resolution was for a grant of 30 lakhs to the Calcutta University Post Graduate Department. The Government did not oppose it, but wanted time to examine the demand. The resolution passed unanimously.

The second resolution recommended the removal of the sex disqualification from the electoral rolls. This resolution was opposed by some of the Mahomedan and orthodox Hindu members. It was carried by 54 votes against 38.

The third resolution asked the Bengal Government to communicate to the India Government that the Bengal Council were in favour of the transfer of Sylhet to Bengal.

The Government wanted time to ascertain the views of the Assam Government on the subject, but the resolution was carried, unopposed.

Removal of Sex-disqualification.

Ladies invaded the public galleries of the Council Hall in anticipation of a lively debate on the question of the enfranchisement of women. Mrs. Sarala Devi Chaudhurani and Miss Ganguly made the women's demonstration inside the Chamber a success, and their presence immensely influenced the votes.

The question was left to be decided by a free vote. The Swaraj Party also adopted the same attitude. Mr. Nurul Haq announced that the Swaraj Party had no mandate on the resolution and that the question was left to a free vote. This announcement caused widespread disappointment among the ladies in the galleries, who had expected the solid votes of the Swarajists in their favour.

Eloquent speeches were made by Dr. Moreno, Mr. F. E. James, Mr. Umesh Chandra Bose, and Dr. Mohini Das and Mr. Nirmal Chandra Chander in favour of the enfranchisement of women.

Dr. MORENO, who moved the motion for removing the sex-disqualification said, Bombay and Madras had enfranchised women. Why should women in Bengal alone be not enfranchised? He could not understand what insurmountable difficulties there were in the way of the enfranchisement of women.

Mr. Ghoshnavi, an ex-Minister, opposing the resolution, read a long manuscript speech.

Mr. Umesh Chandra Bose (Swarajist) in a powerful speech supported the resolution.

Mr. F. E. James warned that there was no rational principle in disqualifying a large section of the community from the franchise. It was the fundamental right of women-citizens to participate in legislation. Europeans had no right to oppose the resolution as their women had earned that right.

Dr. Mohini Das, wanted to know how they could refuse to grant women their just rights and at the same time demand Swaraj.

Mr. Nirmal Chandra Chaudhary said, "You are refusing women the right to serve the country. You ask women to come to the Congress, to come to the Liberal Federation, and to come to the Swarajist meetings. Can you refuse them permission to come to the elections?"

The resolution granting franchise to women was passed by 54, against 38 votes.

Swarajists and Ministers' Salaries.

On the 20TH AUGUST the House transacted Government business. Supplementary grants, most of which were not granted by the Council at the last Budget discussion, were presented. A large number of motions for reduction or refusal were proposed in respect of a demand of Rs. 3,82,885 for Education. There were altogether 12 demands for the grant, and most of them were carried without serious opposition. In 10 demands, excepting grants under Police and Education, there were 124 motions for either refusal or reduction, but only eight were moved.

The President announced that the Governor was not prepared to grant an extra day for non-official business alone, but as an extra day was required for Government business he allotted Friday the 21st for that purpose, and at the end of the Government business non-official business would as a special concession be taken.

Taking advantage of this announcement the Swarajist party, who were responsible for most of the amendments, decided to endeavour to finish the official business on this day, so that no non-official business could come before this session of the Council and the resolution granting salaries to the four Ministers for their actual period of work would be left unmoved. At the end of the business, however, the President announced that the Governor would allow the Council to meet next day for the transaction of non-official business.

The Council, without a division, granted a total sum of Rs. 11,51,768 as supplementary grants. In this session the total supplementary grants agreed to amounted to Rs. 12,88,638.

On the 21ST AUGUST three non-official resolutions were discussed and the Government opposed all of them.

The first resolution demanded the appointment of a Committee to revise the Bengal Local Self-Government Act and the Bengal Village Self-Government Act. It was carried.

The second resolution, moved by Mr. F. E. James and supported by Mr. J. Campbell Forester, urged the exemption of theatres and cinemas from liability to pay the Amusements Tax. The Government opposed the motion on the ground of financial loss. The resolution was supported by Swarajists and carried by 65 votes against 27.

Motion for Production of Imprisoned M.L.C.s.

The third resolution urged that Babu Anil Baran Ray and Babu Satyendra Chandra Mitra, two Bengal Ordinance prisoners, who have been returned to the Council from the Bankura and Noakhali constituencies, respectively, be brought up for taking the oath of allegiance, at the next session of the Bengal Legislative Council.

The Deputy President, Mr. H. S. Suhrawardy, in supporting the resolution said :—

"I do not know from which point of view I could best support it. But I feel I would have ample grounds for doing so from any reasonable point of view. Firstly, I would do so because we know that there is absolutely no justification for their incarceration. They were the heart and soul, the spirit and fire of the Swaraj Movement. Justification there was because their presence inspired and their self-sacrifice enthused, but of the charges that have been levelled against them, they are absolutely innocent. I know that our voice and our testimony, nay the voice and testimony of the great tribune of the people, is as naught, compared with the inspired reports of the lowest spy, but I do hereby give my testimony and I speak for all others who knew them, that they were blameless of the infamous charges on which they were arrested. Secondly, I would support the resolution on all the rational grounds advanced so ably by Mr. A. C. Basu. If you have given them the right to stand, the right to be elected, you must give them the right to attend. Thirdly, I would support the resolution because I want to see them. When the figure of Satyendranath Mitra rises before me, so gentle, so kind, and yet, so brave, I feel a fierce indignation at the injustice that has condemned him to a felon's cell. I want to see them, to cask them by the hand. I want to congratulate them. On the glory of martyrdom they have attained. I want to be inspired by their presence if it is in me to be inspired. I know the Government is afraid of demonstration. The whole of Bengal will flock to pay its homage to its leaders, who have suffered for its sake and we shall pay to them the homage of a suffering people for its suffering heroes."

The resolution was declared carried. Maulvi Nurul Haq Chaudhary demanded a division which was granted, 54 members voted for the motion and 24 against it.

The Council was then prorogued.

The December Session

Bengal Tenancy Amendment Bill.

The cold weather session of the Bengal Legislative Council met on the **3RD DECEMBER**. Kumar Shibbeshwar Roy, President, took the chair.

After withdrawing the Bengal Local Self-Government Bill, the Maharaja of NADIA introduced the Bengal Tenancy Act Amendment Bill. He said that details relating to the advantages to be derived by tenants including rights to trees, greater facility for the payment of rent, abolition of the harassing system of the realisations of rent by distraint, the commutation of produce rent, also the advantages relating to landlords namely, facilities for the realisation of rent, and other matters were dealt with in the statement of objects and reasons. The position of the Government was that they had accepted the necessity of a change in the law relating to certain matters affecting the relations of landlords and tenants. They thought that the proposals made by the Committee which considered those relations were an honest attempt to solve the difficult problem. The Bill was referred to a select committee.

On the **4TH DECEMBER** Government sustained three consecutive defeats without much discussion.

The Maharaja of Nadia asked leave to introduce the Bengal Municipal Bill, but leave was denied, 36 voting for and 60 against.

The Council next passed the Food Adulteration Bill, validating the grant by the Chairman of the Municipality of sanction to prosecute.

Sir Hugh Stephenson moved a resolution asking the Government of India to abstain from taking measures for the inclusion of Sylhet in the Bengal Presidency on financial grounds. The resolution was negatived by 64 votes against 46.

Mr. J. Donald moved a resolution urging the Government to contribute towards the cost of the Bally Railway. He said that this scheme of a bridge over the Hughli River near Bally was sanctioned ten years ago but was not executed owing to the War. The people of Bally wanted the provision of roadways for ordinary traffic, and to meet this cost he was asking the Government to contribute. This bridge had nothing to do with the Howrah Bridge. This motion was also negatived, 41 voting for and 62 against it.

Treatment of Political Detenuees.

On the **8TH DECEMBER** the Government was defeated by eight votes in a motion for the adjournment of the House.

Mr. J. N. SEN GUPTA, leader of the Swaraj Party, moved the adjournment to discuss the recent treatment of political prisoners, as evidenced by the transfer on the 22nd November last of political prisoners Jogesh Chunder Ghose, Samarendra Sen and Santosh Kumar Dutt from Berhampore jail to Hazaribagh jail without proper clothing or without giving them any notice to make provision for their journey. On the night of the 22nd November those prisoners received a chit from the Jail Superintendent that they were wanted in the office. At that time they had no clothes on the upper part of the body as they were taking exercise. They were compelled to undertake the journey that evening without any warm clothes. He questioned whether the Ordinance was being administered in the spirit and according to the letter of the law. Was there any justification for not allowing those prisoners to get their clothes from their cells? It could only be justified if there was a desire to ruin their health, so that when they came out they would not be able to allow the ordinary avocations of life.

Sir Hugh STEPHENSON, replying, said there had always been considerable difficulty in dealing with detenuees at Berhampore. In the last few months the state of indiscipline had been particularly bad, and the jail officers had been threatened with assault. The Government issued orders for the transfer of four detenuees and asked the Police Superintendent to see orders served on the four offenders. In view of the attitude of the detenuees and previous incidents, it was considered advisable to arrange for transfer without warning the detenuees. The Assistant Police Superintendent went to the jail at six in the evening to serve orders on the four detenuees. He was informed that one was unable to travel. The other three came to the jail gate and were told that they were transferred to Hazaribagh and they would have to go that night. The detenuees declined to receive orders, on the ground that they had no warm clothes. At that time the detenuees had warm coats, woollen shirts, woollen socks, rugs and sweaters and the Civil Surgeon, who was the Jail Superintendent, certified that the warm clothes they had were ample for the journey.

The Jail Superintendent then sent the wardens to the detainees' cells to collect their clothing, but they were not allowed to do so and were abused. Other detainees by that time crowded in the yard opposite the gate and shouted instructions to the three detainees to resist to the end and throw off all their clothing. They had on their bodies warm shirts and chudlers which they passed through the window to the other detainees in the yard. They were then only clothed in dhoties. The Police Superintendent then sent for four hospital blankets and four sheets for each of the detainees. They refused to eat any food, and the police had to lift them into the carriage. The same performance was repeated at Berhampore station, and they had to be lifted out of the carriage and put in a reserved compartment. There was no justification for regarding that incident as a piece of unwarrantable action on the part of Government or the police.

The motion was discussed for two hours, the European and some Mahomedan members supporting the Government, the Swarajists and Nationalists supporting the motion.

The motion was passed by 55 votes to 50.

Ministers' Salaries Granted

On the 10TH DECEMBER Mr. P. N. GUHA moved that salaries for the actual period of work be given to all the four Ministers who were appointed by His Excellency, and who had to resign owing to the total refusal of their salaries by the Council.

The statement made by Mr. J. M. SEN GUPTA, giving reasons for not voting against the resolution, moved in the Council, for salaries to the four Ministers for the actual period they had worked, was not sympathetically received by the Nationalist, who had, on three previous occasions, voted with the Swarajists in opposing similar resolutions.

Mr. J. M. Sen Gupta explained the position of the Swaraj Party. He said when the party voted against the Ministers' salaries and threw them out, on three occasions, during the lifetime of the present Council, they made it perfectly clear that they were not actuated by personal considerations. The votes were against Dyarchy. He desired to repeat that whether it be Manvi A. K. Fazul Huq, Mr. Surendranath Mullick, Mr. A. K. Ghoshnavi or the Raja of Santosh, they were not prepared to support them as Ministers, be they Hindus or Mahomedans. They were not prepared to support the Dyarchical form of Government, with Ministers and Executive Councilors, the former being merely tools in the hands of the latter. The issue before them was not to be confounded with the issue of the continuance of Dyarchy. The two issues were distinct and separate. He wished to make it perfectly clear that, if any demand for Ministers' salaries was brought forward, for carrying on the present dyarchical system of Government, they would oppose it, whatever the constitution of the Ministry might be. On this resolution for payment of back salaries, as the party had no personal bias, or vindictiveness, against the gentlemen concerned they would vote for it. Their fight was against dyarchy, continued Mr. Sen Gupta, and until the constitution of the Government was so altered as to be acceptable to the people of India, their representatives would refuse to accept or work it; but they were not willing to act in any way which might be construed as an act against particular individuals.

The position, concluded Mr. Sen Gupta, had been made perfectly clear by the mover of the resolution, who admitted that the Ministers were wrong constitutionally, in continuing in office even after their salaries were refused. The position that the Swaraj Party took up should be no encouragement to the Government to appoint Ministers, who had no majority in the House and whose salaries were bound to be rejected, in the hope that, after they had worked as Ministers the House would be lenient and pass their salaries later on.

Nationalist opposition.

Mr. Manmatha Nath BAY (Nationalist) did not see how having voted against dyarchy, they could vote for the pay of the principal actors brought into existence by dyarchy.

Mr. Akhil Chunder DATTA (Nationalist) said the present motion did not raise any fresh issue. There was no justification for setting aside their previous decision. There was no use disguising the fact that, both personal and communal considerations had clouded the real issue. To say that the Ministers' salaries were refused out of communal bias was a perversion of truth. It had been stated that reason dictated their voting against the motion, but sympathy and sentiment impelled otherwise. As representatives of the people it was not open to them to be charitable at the cost of the taxpayer. If they did so, the speaker warned his friends, the people would bring a charge of breach of trust at their door. They were opposed to dyarchy and the Ministers

who worked for dyarchy. By paying the Ministers' salaries for a certain period they would become a part of dyarchy, so far as that period was concerned.

Mr. Bejoy Kristo BOSE, Swarajist, said that he opposed the resolution on principle, but in obedience to party discipline he could not vote against it. He would be failing in his duty if he did not point the hollowness of the motion. One of the Ministers for whom their sympathy was wanted had last year said he would work without salary.

Two of the ex-Ministers, the Raja of Santosh and Nawab Nawabali Chowdhury, refused to accept the salaries. The resolution was carried.

On the 12TH DECEMBER, the last day of the December Session, Mr. Dand moved a resolution urging the Government to take early steps to move the proper authorities to amend Rule III of the Bengal Electoral Rules, with a view to remove the present disability of the labouring classes to send their own elected representatives by granting special electoral franchise to them. The resolution was carried.

Criminal Law Amendment Act.

Rai Harendranath CHAUDHURI (Nationalist) moved that immediate steps be taken to repeal the Bengal Criminal Law Amendment Act of 1925. He gave the following reasons in support of his motion :—

(1) It was a barbarous legislation, unknown in any civilised and self-governing country.

(2) It was an emergency measure, but at present no emergency existed.

(3) The Act had become an engine of oppression.

(4) It was a measure to terrorise all people who were not in the good books of the all-powerful Police, controlled by an irresponsible executive.

(5) Prisoners under this Act served long terms of imprisonment without trial.

(6) The Act had utterly failed to achieve its purpose.

(7) In January last, Sir Alexander Muddiman had said that it would be kept only so long as public interest demanded and not a day longer.

Mr. J. M. SEN GUPTA said that the Government adopted the measure without tackling the root cause of discontent, which was the desire for freedom. In attempting to stop that desire, the Government was following the Government of Russia and the British Government in Ireland, and he predicted that the same fate would overtake the India Government. As regards the administration of the Act, Mr. Sen Gupta said that in January last, Mr. Satyendranath Mitter, a member of the Legislative Council and Mr. Subash Chandra Bose, Chief Executive Officer of the Calcutta Corporation who had been arrested under the Act, were transferred from Berhampore to Mandalay Jail. They were brought down to Calcutta on their way, and detained one night in the dirty Police lock-up meant for drunkards and loafers. That was certainly not justified under the Act.

In Mr. Sen Gupta's opinion, the reasons why they and other prisoners were kept in an unhealthy place at Mandalay was that they should contract diseases. Some of them were suffering from insomnia, diabetes and other disease. The Jail Superintendent behaved in such a manner that there was hunger-strike. Mr. Sen Gupta knew that his was a cry in the wilderness, but he warned the authorities that they would not be able to stop the people from gaining their freedom. The Government would go the way of the British administration in Ireland, if they opposed the onward march of the people.

Sir Hugh STEPHENSON, in reply, said that, in spite of the tortures and inhumanities in jail, the detainees preferred jail to Bengal villages. He said the Government had no intention to stop the desire for freedom by force. The Government only said it was a mistaken method to try to attain freedom by terrorism. The reason why the detainees were transferred to Mandalay was that it was desirable that there should be complete isolation. The Government had, in their possession, proofs of communication between the prisoners inside the jail and terrorists. Since the Act was passed 15 arrests had been made under it. The reason for detaining the prisoners was that the conspiracy still existed. There still existed a party intent upon violence. If the Act were repealed, there was every reason to believe that the main conspiracy would swing back to the cult of terrorism.

The resolution was carried, 55 voting for and 35 against.

The Council adjourned *sine die*.

B. & O. Legislative Council

Budget for 1925-1926.

The Bihar and Orissa Legislative Council met at Patna on the 18TH FEBRUARY 1925 when the Hon. Mr. Sachchidananda Sinha (Finance Member), in introducing the Budget, said :—

The estimates for the current financial year, as passed last March, anticipated an opening balance of Rs. 1,69,68,000, including Rs. 82,89,000 in the Famine Insurance Fund, which we can only draw upon for actual relief operations, protective irrigation works, or other works for the prevention of famine, or the grant of loans to agriculturists under the Agriculturists Loans Act or for relief purposes. The remainder Rs. 1,37,39,000 represented the balance which could be utilised, if necessary, for more general purposes. When the accounts for 1923-24, were closed the actual opening balance for the year now current proved to be Rs. 6,35,000 in excess of the estimate or Rs. 1,75,93,000 in all. According to the latest figures available on revised estimates show a revenue of of Rs. 5,81,48,000, or a shortage of Rs. 2,94,000, and under the head of expenditure from revenue an increase of Rs. 6,09,000; while our total receipts are Rs. 2,98,000 in excess, and our total expenditure is Rs. 12,55,000 in excess. The net result is that, after allowing for the increase, to which I have already referred over our budgeted opening balance, our closing balance is expected to be Rs. 1,85,81,000 or Rs. 3,37,000 below the estimate.

The total closing balance, now estimated at Rs. 1,85,81,000 includes, Rs. 89,59,000 of Famine Insurance Fund money, leaving an ordinary balance of Rs. 1,45,93,000. Our estimates for the coming year assume a revenue of Rs. 5,48,88,000 and total receipts of Rs. 5,71,49,000. On the expenditure side, exclusive of new schemes, the expenditure charged to revenue is Rs. 5,30,98,000 and the capital expenditure Rs. 18,06,000 or a total expenditure of Rs. 5,89,06,000, leaving a surplus of Rs. 83,42,000. Of this latter amount, however, Rs. 14,99,000 appertains to the Famine Insurance Fund, and the net surplus, therefore, available for general expenditure is thus reduced to Rs. 17,53,000.

New Schemes.

I now turn to the provision for new schemes in the budget. It is impossible to propose at present any reduction of taxation, which, if carried out, would seriously affect for the worse the nation-building departments. On the contrary, in future years, if local bodies do not raise their own taxation for development purposes, and the present tendency continues of expecting Government to bear all the burden of expansion, we shall obviously either have to call a halt or seek after new sources of revenue. Now our ordinary balance is estimated at Rs. 1,45,93,000 at the end of the current year. At the beginning of this year it was Rs. 1,45,33,000 and at the beginning of 1922-23 it stood at Rs. 84,77,000. Thus, by a conservative policy of husbanding our resources, we have raised that balance by Rs. 61,16,000 in three years. In the circumstances, we felt fully justified in taking the view that there was now no good reasons for striving deliberately after further accumulations at the expense of postponing indefinitely a number of sound schemes for the benefit of the tax-payer. We accordingly obtained the approval of the Government of India to draw, if necessary, on our total balance to the extent of Rs. 80,10,000 which means Rs. 15 lakhs from our ordinary balance, so that we may be able to spend this amount on useful projects. Adding this Rs. 45 lakhs from the ordinary balance, the total amount available for new schemes in the budget amounts to Rs. 62,53,000—a truly large amount of more than half a crore. This sum has been distributed between the Reserved and the Transferred sides (excluding Angul) as follows :—

	Recurring	Non-recurring	Total
Reserved	99,000	6,03,000	7,02,000
Transferred	13,48,000	31,27,000	44,75,000

A sum of Rs. 8,09,000 goes to the police of which Rs. 2,01,000 is for buildings for housing the force better and Rs. 74,000 is to supplement the stores of clothing. We have provided a further recurring grant of Rs. 5 half lakhs for primary education and Rs. one and half lakhs non-recurring, towards buildings for primary schools; also Rs. 5,84,000 for land acquisition for the long deferred University project. Under Medical, the non-recurring grant of Rs. 3 lakhs for building new dispensaries has been raised to Rs. 4 lakhs, and the recurring grant for medical relief from Rs. 3 lakhs to Rs. 3 lakhs. Under Public Health we have for the next year made a special addition of Rs. 3 half lakhs to the annual grant of Rs. 45,000 for rural water supply in order to enable a determined attempt to get ahead with this very necessary and beneficial reform. Under Industries we have provided Rs. 85,000 for a demonstration match factory at Patna and a generous sum of Rs. 5 lakhs for loans under the State Aid to Industries Act. Under Civil Works we have included two items of Rs. 40,000 each towards two much needed bridges over the Bhargavi and Barabhang rivers in the Purl and Balasore districts, respectively.

After the Finance Member's statement the different heads of the Budget were introduced by members in charge of departments.

Bettiah Court of Wards.

On the 15TH FEBRUARY, discussion was resumed of the non-official resolution that a Committee be constituted to enquire into the working of the Court of Wards, Bettiah Estate, with special reference to the strained relation between the Court of Wards and the Bettiah Municipality. His Excellency Sir Henry Wheeler was present in the distinguished Visitors' Gallery for part of the proceedings.

Mr. Hari Shanker Sinha supported the resolution.

Mr. Morrison opposed the resolution on the ground that no case had been made out for the appointment of a Committee of Enquiry and it was not the proper remedy to apply in this connection.

Mr. Feley in his speech dealt with each specific allegation and said that the blame attached to the management of the Bettiah Court of Wards.

Khan Bahadur Nawabzada Ashrafuddin Ahmed opposed the resolution observing that it was not the function of the Legislative Council to interfere with executive administration and the proper remedy for the injuries alleged to have been done to some Congress workers and Municipal Commissioners was to go to the law courts and demand redress of their alleged grievances. He concluded "Here is a sad spectacle of Svarajist municipality giving evidence of a spirit of intolerance which is so much opposed to their lofty notions and ideas of democratic government."

Mr. Sri Narayan Sahay supporting the resolution, observed that the right of the Legislative Council to enquire into the conduct of a subordinate officer was unquestioned and he urged the necessity of an enquiry.

Mr. Madan opposed the resolution on constitutional grounds and said that it was not right to be guided by irresponsible allegations made by two or three members of the Council.

Mr. Hammond, Chief Secretary, said that the debate had at least served the useful purpose of presenting before them an illuminating example of what a Svarajist Council would be in the days when Svaraj government came. He then dealt with each specific allegation made against the management of the Bettiah Court of Wards and showed that they were entirely untrue and unfounded. As to the mover's remark that Mr. Gandhi was a very shrewd man, the Chief Secretary said that he agreed with him. He had had the pleasure of working with Mr. Gandhi. He had come under his influence, he had realised his magnetism and his unselfishness, and in one matter he was utterly at one with him. He was all for charkha spinning. They had a proverb in England which said: "Satan finds some mischief still for idle hands to do" and Mr. Gandhi thought that if the men who followed him were not occupied in spinning they would get into mischief. The speaker continued: "So let them turn to charkha, let them make as much khaddar as they can and sell it as cheaply as they can, but do not let them come into these Councils and spin their foolish and ridiculous yarns, which they do not believe themselves and which they know the Council will not believe." (Cheers)

Sir Hugh Macpherson then replied on the debate and refuted certain mis-statements and allegations made against the management of the Court of Wards, Bettiah. He said that the Council was not concerned with details of administration. It was his hope that the Municipal Commissioners of Bettiah would show a change of heart and work in harmony with the management of the Court of Wards in carrying out projects of public utility.

The resolution was rejected by the Council by 44 votes to 24.

The August Session.

At the meeting of the Bihar and Orissa Legislative Council at Ranchi on the 19TH AUGUST the only item of business before the House was the election of the President.

Rai Bahadur Jyotish Chandra Bhattacharjee (nominated member representing the united Bengali community) having withdrawn his candidature there were only two candidates, Khan Bahadur Khwaja Mahomed Noor and Rai Bahadur Dwarka Nath. Khan Bahadur Khwaja Mahomed Noor secured 55 votes, while Rai Bahadur Dwarka Nath secured only 25 votes.

On the 20TH AUGUST Khan Bahadur Khwaja Mahomed Noor presided over the meeting of the Council, his election having been approved by the Governor.

The President then announced the formation of a panel of chairmen for the current session consisting of Mr. Sri Narayan Sahay, Baba Ram Narayan Misra, Mr. F. E. L. Morrison and Rai Bahadur P. C. Lal Choudhry.

Supplementary Grants.

Mr. B. A. Collins moved that a supplementary grant of Rs. 5,000 (Reserved) for a secondary direct grant to non-Government European and Anglo-Indian schools, non-recurring, be assented to. The grant is the Government contribution towards the electric installation of St. Joseph's Convent School, Bankipur.

Baba Krishna Ballabh Sahay (Swarajist) opposed the motion on the ground that it would mean preferential treatment to Anglo-Indian boys.

Sir Hugh McPherson refuted the assertion and said the Government was prepared to provide electric installation to Indian educational institutions by meeting two-thirds of the cost of any such scheme that might be proposed after they had examined it.

The motion was agreed to.

Mr. Collins then presented another supplementary grant of Rs. 74,165 under Ulvul Works (Transferred) for the acquisition of a factory for the establishment of an agricultural farm. The site would be more conveniently situated than the Sepaya farm and the land and buildings could be purchased for the amount of the grant. It was proposed to put forward a scheme for a buffalo breeding farm on the Sepaya site.

Baba Jalswar Parard opposed the motion and stated that the Sepaya farm could adequately serve their purposes.

The motion was ultimately rejected by 54 to 20 votes. Other motions were agreed to and the Council adjourned till next day.

On the 21ST AUGUST, the Council re-assembling, after interpellations the remaining eight motions for supplementary demands for grants were brought forward, and carried without opposition.

Legislative business consisted of the Bihar and Orissa Mining Settlement (Amendment) Bill, 1925, and the Chota Nagpur Rural Police (Amendment) Bill, 1926.

B. & O. Mining Settlements (Amend.) Bill.

The Hon. Ganesh Datta Singh, introducing the first-named Bill, said that it proposed to amend the Mining Settlements Act in order to provide that the Jharis Mines Board of Health could keep the balances of its fund in any bank or branch bank used as a Government treasury. The motion was adopted.

Chota-Nagpur Rural Police Amend. Bill.

Sir Hugh McPherson, introducing the Chota Nagpur Rural Police (amendment) Bill, 1925, said the Bill referred to the problem of dealing with crime in the coalfields. The mining area had become a happy hunting ground for criminals, and it had long been plain that the ancient watch and ward system of rural India was here an anachronism. The remedy proposed in the Bill was to substitute for the existing chaukidars a () lary force which would be disciplined under the Police Act, and to levy from collieries concerned a contribution towards the extra cost, more or less equal to the amount which might be levied under the present Chota Nagpur Police Act. The rest of the cost would be provided from the public revenues.

The member representing the Indian Mining Federation raised several points regarding the measure, and the Government expressed its willingness to refer the Bill to a select committee.

Mr. D. M. Madan (representing the industrial interests) opposed the measure, stating that it was most inopportune to levy a tax at the present time on the coal industry.

The amendment for reference of the Bill to a select committee was finally carried without a division.

Supplementary Grants Refused.

On the 25TH AUGUST four amendments to the Standing Orders of the Bihar and Orissa Legislative Council were moved and referred to a Select Committee of the House to be formed later, and two supplementary demands for grants were discussed. Both were taken demands, one for the construction of quarters for members of the Legislative Council at Ranchi (Doranda) and the other for the construction of a residence for the Chief-Secretary at Ranchi.

These demands were brought forward by the Government to meet the demand for the proper accommodation of members of Legislative Council, as in the previous years the quarters proved insufficient for the purpose.

Sir Hugh McPherson, in asking the House to accept these demands, observed that the general conclusion arrived at by the Housing Committee, which met the day before was that they should build one set of quarters of a superior bungalow pattern at Ranchi. The present Chief Secretary's House should also be taken over and utilised, partly for the residence of the President of the Council and partly for a hostel or common room for members; also two blocks of quarters should be built for members, one on the lines of the existing B type quarters and others of the dak-bungalow type on the site on which the present Chief Secretary's House stood, and which was very near the Secretariat. This would involve the construction of a new house for the Chief Secretary, which it was proposed to build at Ranchi.

The motion for a supplementary grant for the construction of quarters for members of the Council was rejected, as also the second taken demand for the construction of a residence for the Chief Secretary.

Irrigation Facilities.

On the 27TH AUGUST the Council reassembled to discuss non-official resolutions which were purely of local interest.

Kumar Rajivaranjan Prasad Sinha moved a resolution urging the construction of an irrigation canal from some suitable river in the Bhabua sub-division in the district of Shahabad.

The Hon. Mr. S. Sinha, for the Government, stated that a scheme for irrigation facilities to that part had been under the consideration of the Government for sometime past. The cost of a tentative scheme regarding a reservoir in that area was estimated at about Rs. 21 lakhs. If it were possible a provision for it would be made in the next Budget.

The resolution was ultimately adopted by the Council.

Another resolution asking for the introduction of legislation with a view to requiring the previous approval of the Council to a revision of canal water rates was carried in spite of Government opposition.

Land Rent in Orissa.

Mr. Jagabandhu Sinha moved that the rent on certain lands in Orissa be not enhanced. The mover said that the paying capacity of the tax-payer was not taken into account by the Government in adjusting rents.

Sir Hugh McPherson for the Government in opposing the motion said that Oriya ryots had been sympathetically treated by the Government and the assessments imposed were very moderate. There was no part of the Province on which the Government had spent more for improving agriculture than Orissa. The resolution was ultimately negatived.

Another resolution for appointing Hindi and Urdu reporters to record the Vernacular debates of the Council was carried.

AUGUST 26TH was the last day of the autumn session of the Bihar and Orissa Legislative Council.

In view of the sympathetic reply of the Government Mr. Maharak Ali withdrew his resolution regarding closing of public offices, courts and educational institutions for three successive days after the 29th of Ramezan (fasting month.)

Another resolution moved by Mr. Rameshwar Prasad Singh demanding the representation of the Legislative Council and local bodies on the Text Book Committee for Primary and Secondary Education was adopted without a division.

This completed the business of the session and the Council was prorogued.

C. P. Legislative Council

Governor's Opening Speech.

Sir Montagu Butler, addressing the Central Provinces Legislative Council on the 3RD AUGUST said that when he last addressed them he appealed to the Councillors for their co-operation, particularly in the direction of financing nation-building projects. The Council, said His Excellency, met him more than half way by voting the greater part of the demands, and he recognised that a loaf was better than no bread, and that three-quarters was better still. His Excellency expressed his thanks in person, and said that his Government appreciated this change of attitude.

After paying a tribute to the officers of His Government Sir Montagu narrated the steps taken by him after the last Council session. His Government withdrew the special instructions to the District Officers to take active steps to explain the action of the Council in refusing to vote supplies. As regards the holding of District Durbars, His Excellency assured them that he would not delegate this duty to any subordinate officer.

After explaining the further steps taken by the Government to meet the wishes of the Council, Sir Montagu Butler said: "I had hoped when the last session ended to lay before you once more a demand for the Ministers' salaries, and I continued strong in this hope until recent events changed, for the time being, the political atmosphere. From the statements made publicly by the responsible leaders of the dominant party amongst you as reported in the Press it has been made to appear that their present policy is to harness the political future of this Province to Bengal. Whether this is so or not, and whether, if it is so, the policy is a wise one in the interests of this Province, I am not concerned to argue. It is for you yourselves to judge whether our Province has had so much political education in the past as to be able to afford to neglect the present opportunity for gaining political experience. My duty is to face the present situation. Obviously, if you do not want yourselves to administer the wide range of subjects included under the Transferred head, it is idle for me to ask you to vote salaries for the Ministers of your own choosing to hold the portfolios. At the same time, I wish to make it clear that the decision is yours, and not mine, and that the responsibility for the retardation of the political progress of the Province is with you, and not me or my Government. We have settled, therefore, to come to no decision on the question of presenting a demand for the Ministers' salaries until you have had a chance of consulting together and formulating final opinions. We are ready, nay anxious, to see you take up your responsibilities, and will put forward a demand for salaries next Saturday, or some subsequent day in this session, provided we get a lead from you. To this I propose to invite the leaders of the dominant party amongst you to confer with me during the next few days in order to hear from them at first hand what are their wishes."

Late Mr. C. R. Das.

After the Governor's address Mr. Tambe, the President, made a reference to the death of Mr. C. R. Das and was followed by Dr. Moonje, Swarajist leader, Mr. S. M. Chitnavis, Liberal leader, and Sir Bertram Standen on behalf of the Government. The Council then proceeded with the interpellations, of which there were 274.

Sir Bertram Standen next moved that in view of the remission by the Government of India of Rs. 9 lakhs out of the Provincial contribution some specified appropriations be made and that supplementary demands be presented for the sums which can be spent on the specified objects in the current year. Excepting Rs. 25,000 for the construction and improvement of forest road, the rest of the amount will be spent on the Transferred Departments, such as education and medical relief. Over Rs. 4 half lakhs have been specified for the promotion of education out of which Rs. 65,000 will be given to the University Library and Rs. 1,50,000 to the Science College hostel and L. 1 half lakhs for three high schools in Berar, at Buldana, Morri and Basim.

On the 5TH AUGUST only one important resolution was passed that an Advisory Board be constituted to advise the Government in the selection of Honorary Magistrates. On the 6th August 22 resolutions were on the paper, but so little interest was taken in the proceedings that no less than 17 movers were absent and the majority of motions were withdrawn at once after a short explanation from the Government. Two were passed, one relating to an increase of the pay of Assistant Medical Officers and the other recommending an irrigation survey of Berar.

No Demand for Ministers.

On the 7TH AUGUST Sir Bertram Standen, Revenue Member, announced that in pursuance of the undertaking given in his address to the Council on the 3rd August, the Governor invited Dr. Moonje, Mr. Bhagavendra Rao and Mr. B. G. Khaparde to confer with him. The meetings took place on the 8th and 9th August. Dr. Moonje and Mr. Bhagavendra Rao were unwilling to accept office and Mr. B. G. Khaparde represented that the Berar section were not unwilling to accept, but did not think that a stable Ministry would result and so declined. In the circumstances no demand will be presented to-morrow for salaries for Ministers.

Mr. Bhagavendra Rao, Swarajist, moved for leave to introduce a Bill to amend the Municipalities Act, the object of which is to disqualify Honorary Magistrates from standing for election, selection or nomination as members of a Municipal Committee. Another clause is intended to extend the disqualifying period of imprisonment from six months to five years.

Sir M. V. Joshi, Home Member, opposed the Bill and pointed out that the dominant party in the Council aimed by means of this Bill to keep out men who were inconvenient and embarrassing to them in their elections. He wanted specific instances of Honorary Magistrates who had unduly influenced or otherwise interfered with elections before disqualifying and disfranchising them.

On the 8TH AUGUST after interpellations the President referred to the unexpected death of Sir Surendra Nath Banerjee. Sir Bertram Standen, Mr. P. E. Bhagavendra Rao and Mr. S. M. Chitnavis associated themselves with an expression of grief and mentioned in brief the achievements of the departed leader. Then the resolutions moved by Sir Bertram Standen regarding the appropriation of 9 lakhs regarding certain specific purpose was accepted.

Mr. Kolhe moved an amendment that the provision for an extension of the central Museum at Nagpur be omitted. Sir Bertram opposed the amendment on the ground that money was required for good purpose. Mr. S. M. Chitnavis assured the house that the money was needed. The amendment was put to vote and lost by 12 votes against 34 votes.

An amendment stood in the name of Mr. D. K. H. Kane that instead of a grant for the University Library of Rs. 65,000 the amount should be given for the introduction of compulsory primary education. This was withdrawn. The grant was voted.

Mr. G. S. Gupta moved and Mr. Thakar Chhedilal seconded that grant of Rs. 150,000 to the Science College Hostel, Nagpur be reduced by Rs. 75,000. Mr. R. H. Beckett on behalf of the Government opposed the motion on the ground that it was proposed to make it an entire and self-contained college which would leave pressure on the Morris Hislop Colleges. The amendment was put to vote and lost. Another amendment of Mr. R. H. Beckett to increase the grant from 1 and a half lakhs to Rs. 164,000 was put to vote and declared lost. The sum of Rs. 50,000 for the aided Anglo-Vernacular School in Berar and Rs. 40,000 for manual training in Berar were voted. Mr. G. S. Gupta proposed that the sum of Rs. 50,000 be added to appropriation of Rs. 1,50,000 proposed for three High Schools in Berar. Mr. K. P. Pande opposed the grant and referred to the injustice of the Sims Committee report which deprived the people of the Central Provinces of several advantages. After some more speeches in which there was good deal of wrangling between claims of Berar and Central Provinces, the appropriation was put to vote and declared carried.

The Council next discussed other supplementary grants covered by appropriation. There were 29 amendments to the resolution regarding the allocation of 9 lakhs remitted by the Government of India but ultimately after protracted and uninteresting discussion lasting for 5 hours the House voted for all demands including extra demand of Rs. 50,000 for one high school at Drug. Another demand of Rs. 4,50,000 to be given to Nagpur Municipality as loan for improvement of water distribution system and extension of sewage farm was also passed without opposition. The Council next voted Rs. 2,60,000 under the head civil works transferred.

At the close of the proceedings the President referred with regret the impending retirement of Sir Bertram Standen and commended his good qualities of head and heart especially his impartial services as leader of the house. Dr. B. S. Moonje on behalf of his party reciprocated with the feeling.

The Hon'ble Sir Bertram suitably replied and thanked the members of the house for their co-operation. He said he was really very much sorry to have his connection severed from the province where he spent the best part of the life. The Council then adjourned *sine die*.

FORTIETH SESSION OF THE Indian National Congress

CAWNPORE—26TH DECEMBER 1925

The Opening Day

The 40th session of the Indian National Congress commenced on the 26th December afternoon in a spacious pandal. Decorations were simple. Khaddar was, as usual, extensively used. Portraits of Leaders on the dais were those of Mahatma Gandhi, Lok. Tilak, Pt. Malaviya, Deshbandhu Das and Pt. Motilal. Oil paintings of Deshbandhu C. R. Das and Lok. Tilak were prominently placed. Unlike other sessions mottoes were few and taken from quotations of pithy sayings of various leaders—"Be Honest"—(Gandhi) "End or Mend"—(Deshbandhu) "Deeds not Words"—(Lajpatrai) "Home Rule is our Birthright"—(Tilak). The main motto in front of the dais declared "Unity is Strength." Delegates and visitors began to pour in from 12 noon. Lady delegates and visitors were quite numerous.

Great Confusion.

At 1-30 a considerable stir was caused by Ajmere-Merwara Delegates trying to force their way into the pandal. They numbered about sixty and held themselves entitled to attend the Congress in defiance of the Congress Subjects Committee's ruling invalidating their election. A large number of volunteers had to be collected to prevent the onrush. Doors were barred and volunteers armed with lathis formed a cordon. Still the Ajmer delegates, who had determined to fight their way in, continued to press and refused to disperse in spite of persuasion by the volunteers who cried "no violence please." But Mr. Arjunlal Sethi, leader of the Ajmer delegates, lay across the entrance and a few delegates of other provinces in their hurry to get in trampled upon him. By this time the pandal was packed though not very fully. After some time the rush was controlled and the Ajmere delegates were kept out. Sd. Arjunlal Sethi soon regained consciousness but another Ajmere delegate had to be taken out as he also wanted to force in. Some minor injuries were reported in two or three cases.

By 2-30 the leaders arrived in a procession, the band playing. Pandit Motilal entered first with Lala Lajpat Rai on his right. Dr. Muralidhar came next with Moulana Abul Kalam Azad. Mahatma Gandhi's appearance was the occasion for shouts of "Gandhikijai" and next came in order Maulana Mahomed Ali, Mrs. Sarojini Naidu, Mr. M. R. Jayakar, Mr. S. Srinivasa Iyengar, Mr. J. N. Sen Gupta, Maulana Shaukat Ali, Mr. V. J. Patel, Mr. Vallabhai Patel, Shiva Prosad Gupta, Rajendra Prosad, Doctor Ansari, Mr. Purshottamdas Tandan, Mr. Rafi Ahmed Kidwai, Swami Shradhanand and Mr. N. C. Kelkar. A number of distinguished persons were on the dais. Over a dozen European ladies and gentlemen were present including Mr. and Mrs. Hubley and Dr. Rutherford, and Miss Slade. Dr. Abdur Rahman and

other members of the South African Indian Deputation were also on the dais. The other Indian leaders present included Munshi Ishwar Saran, Dr. Kailash Nath Katju, C. V. S., Narasinha, Mr. Mohamed Saif, Khan Bahadur Sarafraz Hussain Khan, Mr. C. S. Ranga Iyer, Mr. Duni Chand, Mr. Barucha, Mr. Deepnarain Singh, Lala Hanaraj, Dr. Syed Mahmud, Mr. A. Rangaswami Iyengar, Mr. Prakasam, Mr. Abhyanker, Dr. Moonji, Mr. Gangadhar Rao Deshpande, Swami Govindram, Mr. Goewami, Mr. Chamanlal and Mr. D. P. Sinha.

Proceedings began at 2-45 P.M. The pandal was packed to overflow by over fifteen thousand people. Only the Ajmere-Merwar gallery was vacant. The proceedings began with national songs all standing. After Vishnu Digambar and others had sung, Dr. Murarilal delivered his address as Chairman of the Reception Committee. He narrated the difficulties put in their way by the authorities and declared that non-co-operation was not dead but had taken firm root. He took fifteen minutes to deliver his speech. The following is the summary of his address.

Chairman's Address

In the course of his speech Dr. MURARILAL said that at the time of extending invitation to Cawnpore they had great hopes and high aspirations about according a reception befitting the dignity of the representatives of the National Assembly, but combination of causes stood in their way. Besides difficulties which faced the country they had to contend with local difficulties. After referring to deaths of Mr. C. R. Das and Sir Surendra Nath Bauerjee he mentioned the Hindu-Muslim tension which in Cawnpore however led to no untoward happenings. The Opponents of Indian National progress, seeing their temporary weakness, had begun to talk despairingly of their policy and programme, but they had not grasped the full significance of their peaceful methods of work. Mutual recriminations had led many a seasoned soldier to relax his interest in healthy national activities. Their workers were handicapped for want of adequate financial aid owing to depression in trade. The economic policy of Government was one of heartless and cruel exploitation. Organised pillage of the disarmed nation had undermined their manhood and the deadly evil of poverty had made the lives of millions unbearable. Despite these and several other discouraging factors like obtaining site for Congress they worked undaunted and there was the Kakori trial which had snatched away many of their ardent and sincere workers, many of whom had not been even admitted to bail. Those incidents painfully reminded them of the low value that was attached by bureaucratic Government to their rights of liberty and citizenship but he was confident about the success of their struggle. The gospel of non-co-operation had shaken off their frightful terror of coercion and intimidation. To say that the movement was dead was to ignore facts. They might have temporary set-backs but at no distant date the movement would bear fruit.

After the Chairman's Speech Dr. Abdur RAHAMAN, leader of the South Africa Indian Deputation, in a short speech said the Deputation was presenting to one of the greatest women of the world (Mrs. Naidu) her photo. The South African Indians had given India the greatest living man (applause). "Mahatmaji belongs to us (applause). Mrs. Naidu also belongs to us. You will have to give us at least one of the two to go to South Africa and fight our battle. If we take the greatest woman of India we are leaving behind her

photograph so that you may look at it and be satisfied. We present this photo to our mother and our aunt in token of love of the South African Indians."

MESSAGES OF SYMPATHY

Mr. Girdhari Lal then read the following messages received from eminent persons wishing success of the Congress :—

Sjta. Basanti Debi (widow of Mr. C. R. Das) asked the President to light up undying fire and let the united nation rise out of smouldering ashes purified and strong. India's freedom's battle must be made a worthy fight for which Deshabandhu Das gave his life and for which two hundred of their sons were abiding their time behind prison-bars.

Dr. Rabindranath Tagore requested Mrs. Naidu to direct the Congress to love and service to the cradle of the people. The great mother's milk for her children had run dry through poverty, ignorance, disease and disunion, where life was waning and light of joy was nearly extinct.

Mr. B. Chakravarti urged a policy by which to consolidate national forces and make national demand irresistible.

Mr. C. Vijayaraghavachari (Salem) suggested the constitution of a committee for drafting Indian constitution to be adopted in a special session of the Congress.

Mrs. Annie Besant wired : " May Congress be guided by you along the path to Home Rule by union of all parties who work for India's freedom and revive her splendid past."

Hon. Mr. G. S. Khaparde wanted Mrs. Naidu to restore the Congress to its truly political character with responsive co-operation as the settled policy.

Lord Sinha sincerely hoped there would be great gathering and a successful session.

Mr. Jinnah said the immediate issue was securing the revision of the present constitution, but any action of principle of direct action would be fraught with serious consequences and imperil political advance.

The Indian Congress Committee of Nairobi said, unless the whole of India was united and attained Swaraj, all efforts to secure equal status for Indians in British colonies and foreign countries would be futile.

The Transvaal Indians through their committee asked the Congress to support the South African Deputation. The Pretoria British Indians' Association made a similar request.

Hon. Syed Raza Ali from Maritzburg wired appealing for modification of the constitution to admit all parties.

The Presidential Address

Mrs. Sarojini Naidu, the first Indian lady to preside over the National Congress, then proceeded to the rostrum and received a great ovation. She spoke for over an hour extempore. Her printed address no doubt briefly covered most of what she said, but she spoke at the spur of the moment without restricting to language used in the address. She kept the audience spell-bound. The following is the full text of her Address :—

"Friends—Were I to ransack all the treasures of human language I fear I should fail to discover words of adequate power or beauty to translate my deep and complex emotion in acknowledging the signal honour you have done me, by entrusting to my unskilled hands the high burden and responsibility of so exalted an office, which for two score years has been ennobled by the brilliant and memorable achievement of my distinguished predecessors both of our own and of alien race. I am fully aware that you have bestowed upon me the richest gift in your possession, not merely as gracious recompense for such trivial service as I may have been privileged to render at home or abroad; but rather in generous tribute to Indian womanhood and as token of your loyal recognition of its legitimate place in the secular and spiritual counsels of the nation. In electing me to be the chief among your chosen servants, through a period so fraught with grave issues and fateful decisions, you have not treated a novel precedent. You have only reverted to an old tradition and restored to Indian woman the classic position she once held in a happier epoch of our country's story: symbol and guardian alike of the hearth-fires, the altar-fires and the beacon-fires of her land. Poignantly conscious as I am of my own utter unworthiness to interpret so exquisite, so austere an ideal of wisdom, devotion, and sacrifice, as embodied through the ages in the radiant heroines of our history and legend, I trust, that to the fulfilment of the lofty task you have allotted me, even I might bring some glowing ember of the immortal faith that illumined the vigil of Sita in her forest exile, and bore the feet of Savitri undaunted to the very citadels of Death.

"The accepted convention of this august assembly imposes upon me, alas, the duty of placing before you a formal document of plans and policies of work for the coming year. I therefore, contrary to the impulse and custom of a life-time, am vainly groping for appropriate phrases that might serve dimly to foreshadow some of the thoughts that can only find spontaneous expression when I stand in your midst and the inspiration of your living presence shall give to my heart its voice of hope, and to my words their wings of fire.

Homage to Departed.

"Before we reach the central purpose of our labours in this northern city, to which we have journeyed from the farthest ends of India, let us offer our mournful homage to the memory of our illustrious dead—to that great patriarch of our national renaissance, Surendranath Bannerjee, who for well-nigh half a century assailed the heavens with the thunders of his splendid oratory in indignation at the burning wrongs of his people; to Ramakrishna Bhandarkar, the famous Scholar of the Deccan, who with patient and dedicated hands rekindled the lamps of our ancient Sanskrit culture, and lifted it high above the clamour and conflict of political throngs; to Deshbandhu Chitta Ranjan Das, kingliest of dreamers, whose whole being was a Vaishnavite rhapsody of incomparable passion for the liberty of his motherland, who died with his hand outstretched in a royal gesture of reconciliation towards a powerful antagonist against whom he had fought so often with such reckless and victorious chivalry.

"Would that he were with us to-day to guide us aright in our anxious deliberations and help us to apprehend the true and tragic significance of the stupendous problems that call for immediate settlement and cannot with impunity be deferred to a more convenient season. A singular combination

of domestic and international circumstances has conspired to implicate us against our will and almost without our knowledge in a labyrinth of intricate and unparalleled difficulties that threaten the stability and integrity of our national existence. Our imperative duty, therefore, is to survey with eyes unhooded of their habitual illusion, the sinister and melancholy spectacle of our abject helplessness born of our foolish disunion and nourished by our long dependence upon the caprice or the compassion of Imperial policies. What means shall we devise, what schemes shall we evolve to deliver ourselves from the manifold dangers that encompass us? How shall we combat the deadly forces of expression that challenge our human rights of liberty, how defeat the further encroachment of ruthless and rapacious Imperialist exploitation that despoils the remnants of our moral and material heritage? How circumvent the insidious and ingenious aggressions of other foreign races eager to profit by the conditions of our economic and intellectual servitude? How shall we avert the implacable doom that menaces our unfortunate kindred in the Colonies, how quell the rampant forces of reaction or divert the disaster of our internecine feuds?

Non-Violent Non-Co-Operation.

"The answers that we need are fully enshrined in the magnificent Gospel of sacrifice enunciated by Mahatma Gandhi, in which he vainly strove to teach us the heroic secret of national self-redemption. But we, so long disinherited from the epic faith that sustained our brave forefathers, were too weak and unworthy to respond for more than a brief period to the demands of that noble and exacting creed. Whatever may be the verdict of history, it cannot be gainsaid that the movement of non-violent non-co-operation that swept like a tempest over the country shook the very foundations of our national life, and though to-day it is quiescent and its echoes are almost still, it has irrevocably changed the aspect of our spiritual landscape.

"However remote may be all our programmes for the future from the principles and ideals of Mahatma Gandhi, they must inevitably be permeated by the influence of these recent years which have permanently shifted the current of our political thought and altered the direction of our political destiny.

"We need to-day some transcendent miracle of intrepid and enduring statesmanship to enable us to remobilize, reconcile and discipline our scattered and demoralised energies to a supreme unanimous effort for the final deliverance of India from the last shackles of her political subjection; and to devise a comprehensive scheme that shall act as a natural and indispensable auxiliary of political emancipation, and include within the scope of its interest or benediction all the enterprises and endeavours that substantially contribute to the social, economic, industrial and intellectual advancement of India, consistently with the requirements of her own peculiar conditions and in accordance with the finest ideals of modern progress.

Village Reconstruction.

"To give concrete expression to our decisions in regard to these ancillary activities, the Indian National Congress should create definite departments to be governed by groups of men and women specially qualified by their capacity or enthusiasm to administer to the vital and divergent wants of the people. The main divisions might be few but should include within their

sphere of responsibility all cognate matters. To my mind it is of paramount importance to formulate a practical scheme of village reconstruction on the lines of Deshbandhu Das's dream. For this purpose we must try to enlist a large band of missionary patriots of burning zeal who, set free from material wants by the pious charity of the householders of the country as in ancient times, should carry through the length and breadth of the land the beneficent evangel of self-reliance and self-respect, taking the immemorial twin symbols of the plough and the spinning wheel as the central text of the teaching that shall liberate our unhappy peasantry from the crushing misery and terror of hunger, ignorance and disease. Closely allied to the task of village reorganisation is the task of organising the industrial workers in the crowded cities, who are so often compelled to live under conditions that degrade and brutalise them; and who, dislocated from the steadying influences of the familiar traditions and associations of the rural homes they leave in search for bread, are so hopelessly exposed to the temptations of immorality and vice. It should be our endeavour to assist in securing for them improved housing conditions, better wages and a cleaner atmosphere, and to establish an equitable and harmonious co-operation between Capital and Labour as a valuable joint asset of national progress.

The Education Problem.

"I am appalled at the criminal apathy of our general attitude towards the urgent problem of Indian education. The surpassing evil of foreign domination has been to enslave our imagination and intellect and alienate us from the glorious tradition of our national learning. We are to-day no more than the futile puppets of an artificial and imitative system of education which, entirely unsuited to the special trend of our racial genius, has robbed us of our proper mental values and perspectives, and deprived us of all true initiative and originality in seeking authentic modes of self-expression. It is pre-eminently our duty towards the young generation to so recreate our educational ideals as to combine in felicitous, and fruitful alliance, all the lovely regenerating wisdom of our Eastern culture with all the highest knowledge of art and science, philosophy and civic organisation evolved by the younger peoples of the West.

National Militia.

"In addition, I would insist with all the force at my command on including a complete course of military training as an integral part of national education. Is it not the saddest of all shameful ironies that our children whose favourite lullabies are the battle songs of Kurukshetra and whose little feet march gaily to the stirring music of Rajput ballads, should be condemned to depend for the safety of their homes, the protection of their sanctuaries, the security of their mountain and ocean frontiers, on the fidelity and strength of foreign arms? The savage Massai, the primitive Zulu, the Arab and the Afridi the Greek and the Bulgar may all carry their tribal weapons and claim their inalienable right to defend the honour of their race, but we, whose boast it is that we kindled the flame of the world's civilization, are alone defrauded of our privilege and have become cowards by compulsion, unfit to answer the world's challenge to our manhood, unable to maintain the sanctity of our homes and shrines.

"Whatever the experiments recommended by the Commission now sitting to explore the avenues of military advancement for our people, it is incumbent

upon the Congress to form forthwith a national militia by volunteer conscription, of which the nucleus might well be the existing volunteer organisations. Further, we should also carefully consider the question of nautical as well as naval and arial training to equip the nation for all purposes of defence against invasion or attack.

South-African Question

"Let it not be said of us, however, that our selfish absorption in our own domestic affairs has made us oblivious to the distress and difficulty of our kinsmen in foreign lands. Our adventurous compatriots, who have crossed the seas to seek their livelihood in the dominions and colonies have from time to time been subjected to restrictive and repressive legislation. The White Paper still stands as a reproach against our failure to redress the wrongs of Indian community in Kenya. But in the whole chronicle of civilised legislation there has never been so cruel and relentless an outrage against humanity as is deliberately embodied in the anti-Asiatic Bill, which is calculated to exterminate the Indian community from South Africa.

"Shall we not send across the seas a loving and ready response to their heart-rending cry for succour, and, through their ambassadors whom we welcome to-day, offer to our harassed and afflicted brothers in South Africa the assurance that India stands behind their courageous struggle to vindicate their inherent civic and human rights against the onslaught of such terrific injustice and oppression ?

An Overseas Department

"Never before has duty to our kindred in foreign countries been so vividly brought home to our minds, nor the necessity of establishing a close and living contact with all their changing fortunes. We should not lose a single moment in forcing an Overseas Department in the Congress manned by those who can keep themselves vigilantly aware of all the legislations and enactments that adversely or otherwise affect Indian settlers abroad.

"Here my heart pleads with me to remember those sorrowful and lonely exiles, pining in strange and far-off corners of the earth, consumed with a desperate hunger and nostalgia for a glimpse of their motherland, to which they cannot return because, once they sought to serve her and win her freedom in ways unrecognised by the common law. But many amongst them surely have made fullest atonement for all the fervent folly of their too impatient youth. Surely they, who have been chastened in the searching crucibles of dreadful suffering and privation have been refashioned to become consecrated vessels of selfless service for the amelioration of the poor, the fallen, and the depressed.

Foreign Propaganda

"I cannot conceive how we have allowed ourselves to be so heavily handicapped by the lack of an efficient publicity which is the first essential of any campaign. We should therefore take immediate steps to form a department for widespread political propaganda and for the education of the masses in all matters pertaining to their civic and social interests, to the wrongs under which they labour, the struggles in which the nation is engaged, the iniquitous and unstable fiscal and financial policies so ruinous to the prosperity of the country. I am confident that we could secure the willing co-operation of those who, otherwise prevented from active participation in public affairs, would gladly place their expert knowledge at our disposal, to advise us on

questions connected with the revival of cottage industries, on commerce, railway shipping, co-operative banking, and all other branches of development necessary for our material welfare.

"The nationalist press, both vernacular and English, should be amongst the accredited channels of our propaganda; above all a reliable foreign news service should be established to transmit to all the chief centres of the world the correct version of Indian affairs, and friendly embassies appointed to foster feelings of goodwill and understanding between India and the people of other lands.

Hindu-Moslem Question

"And now I approach with the utmost hesitation and regret the most baffling and most tragic of all the problems before us. I, who have dedicated my life to the dream of Hindu-Muslim unity, cannot contemplate without tears of blood the dissensions and divisions between us that rend the very fabric of my hope. I have tried to arrive at a just appreciation of the many unfortunate causes that have brought about so deep a gulf between the two communities, and tended to quicken such a sharp and importunate sense of aloofness on the part of my Muslim brothers, which, to the profound alarm and resentment of the Hindu community, manifests itself in a growing and insistent demand for separate and preferential rights and privileges in academic, official, civic and political circles of life. Though I am convinced that the principle of communal representation, whether through a joint or a separate electorate frustrates the conception of national solidarity, I am compelled to recognise that situated as we are to-day in an atmosphere so tense and dark and bitter with unreasoning communal jealousy, suspicion, fear, distrust and hatred, it is not possible to reach any satisfactory or abiding readjustment without the most earnest and patient collaboration between Hindu and Muslim statesmen of undeniable patriotism to whom we should entrust the delicate and difficult task of seeing some sovereign remedy for so devastating a disease.

"I beseech my Hindu brothers to rise to the height of their traditional tolerance which is the basic glory of our Vedic faith and try to comprehend how intense and far-reaching a reality is the brotherhood of Islam, which constrains seventy millions of Indian Mussalmans to share with breathless misery the misfortunes that are so swiftly overtaking the Islamic countries and crushing them under the heel of the military despotism of foreign power.

"In their turn I would implore my Muslim comrades not to permit their pre-occupation with the sorrows of Syria, Egypt, Iraq and Arabia to obliterate the consciousness of their supreme duty to India, their motherland, which must always have the first claim upon their devotion and allegiance.

"If Hindus and Mussalmans would both learn to practise the divine qualities of mutual forbearance and accord to one another perfect liberty of living, without the tyranny of fanatical interruptions of one another's appointed rituals and sacrifices, if they would but learn to reverence the beauty of each other's creeds and the splendour of each other's civilisations, if the women of the two communities would but join together in the intimate friendship of their common sisterhood, and nurture their children in an atmosphere of mutual sweetness and harmony, how near we should come to the fulfilment of our heart's desire!

The States and Frontier

"We should grossly fail in our duty to our neighbours were we to omit to try and foster cordial ties of sympathy and trust between ourselves and the princes and the people of the great Indian States scrupulously refraining from all interference in their internal concerns but always ready to serve in their wider interests.

"Nor can we afford to ignore the claims of the Frontier Provinces, which owing to their peculiar geographical and strategic position on the map, are governed by a form of perpetual martial law. We should render them all the assistance in our power, in their efforts to obtain the normal civic and social amenities which are so abundantly enjoyed by their sister provinces.

Our Common Goal

"These are some of the accessory features of our work. The real function however of the Indian National Congress is the speedy attainment of Swaraj.

There is a large and influential section of Congressmen who still cling with touching and jealous loyalty to the orthodox creed of Non-co-operation. Sternly refusing to take cognisance of Legislative bodies they devote themselves to the pursuit of Mahatma Gandhi's benevolent mission, propagating the cult of the spinning wheel and ministering to the lowly and pitiful outcasts of our society whom, in our arrogance, we have so long deprived of their elementary human rights.

"To-day therefore, the Swaraj Party with its highly disciplined organisation and its striking record of success is the only political body within the Congress engaged in actual combat with bureaucratic authority. Is it not in this crucial hour the unmistakable duty of all the other political parties in the country, irrespective of their particular labels and particular beliefs to return to the Congress, which invites them with open doors, and coalesce all their divided energies and talents in devising a common programme of action in pursuance of common goal.

"All of them have openly acknowledged that the Reforms of 1919 which were to have created a new era of progress have proved nothing but a mirage and the powers they professed to transfer to the people nothing but a deceptive myth. All of them surely, are tacitly agreed upon some common maximum of the wrongs they are still prepared to endure, some common minimum of the rights they are now determined to enforce. And whatever be my own personal conviction, they at all events are all in favour at least as an initial form of self-government, of the ideal of Dominion Status, so elaborately expounded in the Commonwealth of India Bill, and more succinctly and emphatically embodied in the National Demand which has been endorsed by the representatives of all political schools in the Legislative Assembly. Below the limits of that demand the Indian nation cannot descend without irretrievable damage to its dignity and self-respect. It is now for the Government to make the responsive gesture that shall decide our future attitude. If the response be sincere and magnanimous, with ample guarantees of good-will and good faith on its part, it will necessitate an immediate revision of our present policy. But if by the end of the Spring Sessions we receive no answer or an answer that evades the real issues, or proves unworthy of our acceptance, the National Congress must clearly issue a mandate to all those who come within its sphere to vacate their seats in the Central and Provincial Legislatures and inaugurate from Kailas to

Kanyakumari, from the Indus to the Brahmaputra an untiring and dynamic campaign to arouse, consolidate, educate and prepare the Indian people for all the progressive and ultimate stage of our united struggle and teach them that no sacrifice is too heavy, no suffering too great, no martyrdom too terrible, that enables us to redeem our Mother from the unspeakable dishonour of her bondage, and bequeath to our children an imperishable legacy of Peace.

"In the battle for liberty, fear is the one unforgivable treachery and despair, the one unforgivable sin.

"With palms uplifted in ardent supplication, I pray that, to us, in our coming hour of travail, may be granted in sufficient measure an invincible faith and an inflexible courage, and that he in whose name, we begin our labours to-day will in the hour of our triumph keep us humble and in the beautiful words of our ancient invocation,

"Lead us out of the Unreal into the Real,

"Out of the Darkness into the Light,

"Out of Death into Immortality".

Proceedings and Resolutions.

1.—The Condolence Resolution.

After the Presidential Address Mrs. Naidu moved from the chair a resolution mourning the death of the departed leaders, which was passed, all standing.

2.—The South African Indians.

Mahatma Gandhi then moved the following resolution about South African Indians in the form passed by the Congress Subjects Committee.

"The Congress extends its cordial welcome to the South African Indian Congress Deputation and assures the Indian settlers of South Africa of its full support in their struggle against the consolidated forces which threaten their very existence in that sub-continent.

"This Congress is emphatically of opinion that the proposed legislation known as the Areas Reservation and Immigration and Registration (Further Provision) Bill is in breach of the Smuts-Gandhi Agreement of 1911, in that it is racial in character and is calculated not only to make the position of settlers much worse than it was in 1914, but is designed to make residence in that country of any self-respecting Indian impossible.

"In the opinion of the Congress if the interpretation of the said agreement as put upon it on behalf of the settlers is not accepted by the Union Government, it should be decided by reference to arbitration, as was done in 1923 in connection with matters affecting the Indian settlers of the Transvaal, and in matters arising from the administration of Law 8 of 1895.

"The Congress heartily endorses the suggestion that a Round Table Conference, containing, among others, proper Indian representatives, should be called to settle the question, and trusts that the Union Government will accept that reasonable suggestion.

"In the event of the proposal of a Round Table Conference and the proposal regarding arbitration failing, the Congress is of opinion that the Imperial Government should withhold Royal Assent to the Bill should it pass through the Union Parliament.

In moving the above resolution Mahatma Gandhi delivered the following speech:—

"This is the resolution which I have not only the greatest pleasure in submitting to you for approval, but I consider it a rare privilege that I am authorized by Sarojini Devi to place this before you. She has introduced me to you as a South African. She might have added "By adoption, though born in India." I was adopted there and you will discover that when Dr. Rahaman, the leader of the deputation, to which you will extend your cordial welcome, will tell you that Indians of South Africa claim that they have given me to you. I accept that claim. It is perfectly true that whatever service I have been able to render—it may be disservice—to India, it is because I come from South Africa. If it is disservice it is not their fault; it is my limitation. Therefore, the evidence that I propose to give before you in support of the statement made here is that the Bill which is hanging like the Sword of Damocles over the heads of our countrymen in South Africa, is designed not merely to heap greater wrongs upon their heads, but virtually to expel them from South Africa.

Indians' Feeling

"Such is admittedly the meaning of the Bill. It is admitted by the Europeans of South Africa. It is not denied by the Union Government itself. If such is the result, you can imagine how keenly the Indians in South Africa must feel. Imagine for one moment that the Expulsion Bill is to be passed in the next session of the Assembly, expelling one hundred thousand Indians from India. What should we do or how should we behave under such a crisis? It is under such circumstances that you have the deputation in your midst. The deputation comes here for support from the people of India, from the Viceroy, the Government of India and through it the Imperial Government itself.

"Lord Reading has given them a long reply, and I wish I could have said also a satisfactory reply. The reply His Excellency has given is as unsatisfactory as it is long, and if that was all the efforts Lord Reading proposed to give to the members of the deputation he could have said that in a few words and spared them and spare this land the humiliating spectacle of a great Government confessing its inability to render proper redress to those who for no fault of their own, who, as many South African Europeans would admit, for their very virtues, are now in danger of being expelled from South Africa. To some of them South Africa is a land of their birth. It was no comfort to those friends of our, it was no comfort to us to be told that the Indian Government has always reserved to itself the right to make representation to the South African Government—the right of petitioning—that is to say by a mighty Government, a Government which is supposed to hold the destiny of 300 millions of people in the hollow of its hands. That Government confesses its powerlessness. And why, because South Africa enjoys Dominion Status.

Domestic Policy

"Lord Reading has told the deputation that the Indian Government or the Imperial Government cannot interfere with the domestic policy of a colony enjoying Dominion Status. What is the meaning of "domestic policy" when that policy is calculated to bring ruin upon the homes of thousands of Indian settlers domiciled there whom they deny the common rights of

humanity ! Well, what would be the case if instead of Indians they happened to be Europeans or Englishmen ?

"Let me quote a precedent. Do you know why the great Boer War took place ? It took place in order to protect the Europeans of South Africa who were domiciled there, or "uplanders," as they were described by the Transvaal Republican Government. The late Mr. Joseph Chamberlain claimed for the British Government that even if the Transvaal was an independent Government he declined to believe that this was purely a domestic policy, or domestic question. He claimed to protect the rights of the "Uplanders" of Transvaal, and that was why the great Boer War took place

Where are the Declarations ?

"Lord Lansdowne said that it made his blood boil when he thought of the disabilities of Indians in Transvaal. He held that one of the potent causes of the Boer War was the disabilities of Indians in South Africa, or more accurately Indians of the Transvaal. Where are the declarations to-day ? Why does not the British Government go to a war against the Union Government when the life, honour and livelihood of 150 thousand Indians are at stake !

"No body questions the description I have given. No body questions the ever growing grievances of the British Indians in South Africa. If you have seen a little pamphlet by Bishop Fisher who had been to South Africa you will find that there he gives a summary of the wrongs that are going to be heaped upon the South African Indians. The Bishop has come to the impartial conclusion that for these wrongs the Indians are not to blame. It is the Europeans ; it is the jealous European traders ; it is the insolence of the European power that is responsible for these wrongs. He gives his testimony that Indians deserved better at the hands of Europeans of South Africa.

"If justice can possibly eradicate this wrong, if admission by South African European statesmen could eradicate the wrongs, if right rules this world—for South Africa it will be impossible to bring about this Bill and it will not be necessary for me to waste your precious time and the time of the deputation and waste the money of the poor people of South Africa.

Thrifty Indians

"But no ! Might is right. The Europeans of South Africa have chosen to heap these wrongs upon our countrymen, and for what purpose ? Conflict of the two civilisations, as General Smuts said. He cannot put up with that and he thinks Europeans of South Africa consider that they will be overwhelmed by the East if they allow these hordes to pour down to South Africa from India. But how could we corrupt their civilisation ? Is it because we are not ashamed to hawk vegetables and fruits and bring to the very doors of the South African farmers ? This is the conflict.

"Somebody has said (I do not know where, but only recently) that Europeans in South Africa dread the advent of Islam that civilised Spain, that took the torch of light to Africa and preached to the world the Gospel of Brotherhood, they are afraid that the natives of South Africa are embracing Islam. If brotherhood is a sin, if it is equality of coloured races that they dread, then that dread is well founded. The thing is they want to become lords of the universe. They want to appropriate the land for themselves. The Kaiser, though down-trodden, fears an Asiatic federation and speaks even from his haunt that it is a danger which Europeans should

guard themselves against. That is the conflict of civilisations and that is why Lord Reading is power-less to intervene in their domestic policy.

Unequal Struggle

"Such are the tremendous consequences of the struggle which this resolution describes as unequal, and it is in that unequal struggle that this Congress is called upon to be privileged to take its due share. I want to make an appeal, if my voice can go as far as South Africa, to the statesmen that are ruling the destiny of the South African Indians.

"I have so far given only the dark side of South African Europeans. Let me also say that I claim among them some of my most precious friends and I have received from individual South African Europeans the greatest kindness and greatest hospitality. I claim also to know General Smuts, though I may not claim to be his friend. He was a party to the agreement on behalf of his Government. He it was who said that the British Indians in South Africa deserved this settlement. It was he who said that this was a final settlement and that Indians should not threaten passive resistance and that the European settlers in South Africa should allow rest to the Indian community.

Broken Pledges

"But hardly had I turned my back from South Africa than a series of wrongs began to be heaped upon them. Where is the plighted word of General Smuts? General Smuts will go one of these days the same way that every human being has to tread, but his words and deeds shall remain after him. He is not a mere individual. He spoke the right thing in his representative capacity. He claims to be a Christian and every one of the members of the South African Government is Christian. They claim to be Christians. Before they open their Parliament they read out the common prayer from the Bible and a South African Divine opens the proceedings with a prayer that goes up to God, not of white men, not of the Negro, not of the Mussalman, not of the Hindu, but the God of all.

"I say this from my place of position, and knowing my responsibility to its fullest extent, that they deny their Bible, they deny their God, if they hesitate for one moment, if they fail to render the elementary justice that is due to the Indians of South Africa".

Maulana MOHAMED ALI deplored that it was because the nation had not taken to the spinning wheel and had on the other hand established many war fronts in the form of fights between Hindus and Muslims, Brahmins and non-Brahmins, No-changers and Swarajists, and now the latest between Swarajists and Responsive Co-operators that they were feeling helpless in helping their brothers in South Africa. Was it not a shame that one among every four of Indians was untouchable? He, however, felt that Mahatma Gandhi had introduced a new force—the readiness to die—with which they could defy the most mighty. The speaker offered himself for service in South Africa any time that his life was required.

Mr. KARANDIKAR, ex-member of the Council of State, in supporting the resolution said some time ago this question was discussed in the Council of State. He became aware of the attitude of the Government that it was anxious to do all that was possible, but in the end it turned out to be nothing more than impotent rage. He asked the Government of India

to do its duty in ameliorating the conditions of Indians in South Africa, for it was the Government of India, who under pressure from the Home Government, sent them there to develop that land.

The resolution was then put and carried unanimously amidst acclamation.

Dr. Abdur RAHAMAN then came to the rostrum to acknowledge thankfully the resolution passed, which he said was the first thing since their arrival in India that had inspired them with a little hope for the future (Applause.) He had no doubt that if only they could get Mahatmaji to put their case before the Indian people there would be no difficulty in getting the Indian nation to stand by the sons of India in their sufferings in South Africa.

The Union Government's Bill intended that the Indian community be either exterminated or bounded out. "The majority of us in South Africa are not going to give in. (Hear. hear.) We feel we are fighting your battle; when a wound is inflicted on us we feel it has been inflicted on our Motherland—the Great Indian Empire.

As Mahatmaji has said, we are disappointed with the Viceroy's reply. He said that we could not interfere with domestic legislation of South Africa. Why is it domestic? We are fortunately or unfortunately a part of the British Empire, and it is because we are a part of the Empire that the Government of India is impotent and helpless. (Shame.) If the British Empire only means exploitation of non-European races, if it stands only for letting Europeans exploit the weak, the sooner the Empire is done with the better it is for the world." (Applause).

He asked those in the Councils that if the Government of India failed to assist them, they should put the South African issue in their elections and throw out all Bills. "Do not sanction a farthing and hold up all government machineries until we who are treated as political helots and are held in industrial serfdom, are treated honourably." (Applause).

Dr. Abdur Rahaman pleaded that they should let Mahatma Gandhi go to South Africa just for a few months and all their troubles would be over. Mahatma Gandhi did not look ill. The longer he spoke the stronger his voice grew. Mahatmaji knew their difficulties. Either their shops were stopped, or they had no schools to give education to their children or to learn skilled trade. The law of the land prohibited them from being so employed. (Cries of shame.) If only Mahatmaji could go with them, all troubles would vanish, just as snow melted before the morning sun.

They must have discovered again and again that they were suffering because they were members of the British Empire. "If you had some battleships to-day, if you had your army, a little handful of the so-called whites, who were vomited forth on the shores of Africa from the slums of Europe, would not have dared do what they are doing to-day. No Englishman would be let to suffer these conditions for 24 hours.

We are going through the country. I have told the Viceroy that we are going to ask the people of India to back him up. The Viceroy must tell Great Britain that she must exercise the power reserved under Section 65 of the South Africa Act, that if they don't give us a Round Table Conference, then the British Government should veto that Bill, and if the British Government does not use it, then it will show that they have tricked us, that they

have betrayed us, because they put that Section into the Act, and they refuse to use it. We are your soldiers. We are not beaten. We are not going to give in. It is your duty to say : Go on boys ; fight on in South Africa ; we will stand by you ; we will support you in every way. Then we will go on and maintain the honour of the great Indian Empire. (Loud Applause).

The Congress then rose for the day and adjourned till 12 noon the next day.

SECOND DAY—27TH DECEMBER 1925

The Congress reassembled at 1-30 p.m. Attendance was as large as yesterday, as the agenda on this day contained the central resolution of the session regarding the political programme of the Swarajya Party as finally approved of by the Congress Subjects Committee on the previous day. Other resolutions condemned Government's action under the Bengal Ordinance, demanded unconditional release of Sikh prisoners, urged the Viceroy to withhold sanction to the Expulsion of Non-Burman Offender's Bill and Tax on the Sea Passenger's Bill. Pandit Malaviya attended on this day.

3.—The Bengal Ordinance Condemned.

Mr. J. M. Sen Gupta moved :—

" This Congress strongly condemns the abuse of Regulation III of 1818 and the autocratic enactment of the Bengal Ordinance Act and the arrest and detention without definite charge and open trial of a large number of patriotic youngmen of Bengal under the said Regulation and the Act and further condemns their continued incarceration, maltreatment and deportation outside Bengal notwithstanding the clearly and repeatedly expressed opinion of the people both inside and outside the legislatures."

Mr. Sen Gupta said Government had broken its pledge given in a Government Resolution on the Repressive Laws Committee's Report to repeal Regulation III of 1818. On the other hand the Bengal Ordinance was secretly hatched and 150 persons were arrested for conspiracy, but not a single document or ammunition of an incriminating nature was discovered. The Ordinance itself was so framed that to silence some critics it was provided that there would be trial by Special Magistrates. More than a year had, however, passed and the 150 patriots were kept in jail without trial and without any charge against them. (Shame, shame). Government apologists had stated that witnesses and jury would be intimidated. This was a lie. One single European, Mr. Day, during the last five years has been killed and it was a jury with a majority of Indians that returned a verdict of guilty. Witnesses, all Indian, gave evidence in the case. Same was done in the case of a bomb thrown into a shop. The fact, however, was that Government had no proof which could stand the test of judicial scrutiny.

" My charge is that their object is not to punish criminal activity, but to smash the legitimate activities of the Swaraj Party and the Congress." (Applause). Mr. Sen Gupta charged the Bengal Government for violating the Ordinance by not providing comforts to the prisoners promised by the Act and held it unlawful on the part of Sir Hugh Stephenson to have stated that it was a part of the Burma Government's job and not the Bengal Government's to fix the allowance of detainees transferred to the Rangoon jails. He declared that the administration which stood in the way of the

forces of liberty would be demolished as similar institutions have been demolished in the past in other countries. (Applause).

Mr. M. R. Jayakar, seconding the resolution said the Ordinance was a disgrace upon any civilized Government, much more so on a Government which had in its own country produced the Common Law and the Law of Evidence to sift falsehood from truth. He did not know of any instance since 1908 when a prisoner killed a co-prisoner for perfidy or where a witness had been intimidated.

Mr. Shyamsunder Chakraverty held that mere passing of resolutions on the Bengal Ordinance every year showed only impotent rage.

After Dr. Satyapal and Mr. Purushottam Roy had spoken the resolution was passed unanimously.

4.—The Gurdwara Prisoners.

Lala Lajpat Rai moved :—

"This Congress deeply regrets that the Punjab Government has not yet released the Gurdwara prisoners in spite of the settlement brought about by the Gurdwara Act merely on the technical ground that the Gurdwara prisoners would not give an undertaking which high-souled prisoners declared to be derogatory to their self-respect. This Congress is of opinion that there will be no proper settlement of the Gurdwara questions until the Gurdwara prisoners are unconditionally released."

Lala Lajpat Rai said the Bengal Partition agitation and the Sikh Gurdwara agitation stood before them as outstanding examples of what a determination to win a right cause could achieve. The Sikhs were determined and made the life of the Government most inconvenient and they had their way. The Government paid no heed to mere bluff and threat. He was one of those who had previously advised the Sikhs to accept the condition, but when the Sikh prisoners had gone on better and had enrolled themselves as voters under the Act there is no basis for the Government to insist on its particular condition being fulfilled.

Mr. Srinivasa Iyengar held that it was nothing but a spirit of meanness that the Government was exhibiting in asking for an idle undertaking.

Maulana Shaukatali's advice to the Sikhs was that let all their leaders rot in jail but never to give an undertaking.

Pundit Nekiram said the Sikhs had won right through and the Government had now put the last hitch to keep up its prestige. But the Sikhs who had sent in thirty thousand men to jail, had suffered four hundred of them to death and had paid eleven lakhs to penalties, could not yield.

Qasr Abdur Rahiman and Mr. Barucha also supported.

Sardar Mangal Singh in thanking the Congress for the support said Sir Malcolm Hailey's Government would have to surrender. How were they saying that the country was not fit for Civil Disobedience, when hundreds of them in the Punjab who were members of unlawful bodies—the Akali Dal and the S. G. P. C. of which he was the President—were not being arrested? The Government dared not. When Mahatma Gandhi and Lala Lajpat Rai told them to accept the condition of the Punjab Government, Sikh leaders felt that it would involve national humiliation, if they did so after such sacrifice. He assured them that the Sikhs would be prepared for even greater sacrifices for national liberty but on one condition that the Hindus and the Muslims did not fight. It was, indeed, because of the Congress's

weakness that it took them two years to win their point at Jaito, because the Government thought that without the help of the Hindus and the Muslims the Sikhs could not hold on for long.

The resolution was passed.

5.—Non-Burman Offenders' Bill.

Mr. T. Prakasam then moved :—

"This Congress regards the expulsion of Non-Burman Offenders' Bill and the Tax on Sea Passengers' Bill of Burma to be an attack on the liberty of the citizens and in the opinion of the Congress the first Bill imperils the vast interests of Indians resident in Burma inasmuch as it exposes innocent men to the mercy of the Executive and is of opinion that the Bills should not receive Viceregal sanction".

Mr. Prakasam said he had recently been touring in Burma, closely studying the conditions there. The real object of the Expulsion Bill was the prevention of political propaganda among the Indians there. Schedules attached to the Bill included trivial offences like the failure to take out license for keeping wireless installation. If the Bill became law they would soon have a Kenya in the very heart of India. The Viceroy expressed his powerlessness to do anything substantial for the Indians in Kenya. But Burma was a part of India and the Bill was introduced with his previous permission. He could not plead now powerlessness.

Continuing Mr. Prakasam described in detail the effects of the Sea Passengers' Bill that proposed a tax of Rs. 5 on every Indian getting into boat for Burma from any part of India. It was the paramount duty of India to see that these two obnoxious Bills did not get into the Statute Book. Concluding Mr. Prakasam said the Burmans themselves did not give their approval to these two Bills. Even the Nationalists who were originally responsible for the passing of them had come to realise their mistake. Mr. Prakasam hoped that the Indian M.L.C.s in the Burma Council would co-operate with the Swarajists and the Home Rulers and get these Bills revoked. Mr. Prakasam also put in a strong plea for the regulation of the emigration of labour from India to Burma and Ceylon. India was fast becoming, said Mr. Prakasam, a labour depot. Was it not our duty, he asked, to see that labourers who went out were not subjected to ill-treatment?

Mr. HALDER seconding said there was no organised movement to support our resolutions. The trouble in Burma was the same as the trouble in South Africa. Everything was a question of bread and butter, especially so in the country of virgin soil. The mighty Europeans who were exploiting the Indians must be attacked on their weak spot. The speaker asked, would there be an organised movement from India which would go to Burma and vindicate our rights there? This could be done by the peaceful weapon of the Akalis.

Sj. N. C. BANERJEE, ex-editor of the "Rangoon Mail", deplored that the Indians here had not realised the danger that threatened the Indians in Burma. After the qualified Home Rule given to Burma the cry of 'Burma for the Burmans' had been raised to the detriment of the Indians and the Burmans and in the real interests of the British exploiters. The Burmans were opposed to the Bills but the leaders of such Burmans were in jail. Sir Harcourt Butler, very courteous but very astute, had managed to

divide the Burmans from the Indians. It was for the Viceroy to remedy the injustice and danger proposed by the Bills.

Mr. Abdul Sattar WALI (Burman) supported the resolution. The Bills referred to were clearly directed against the Indians because they constituted the majority of the Non-Burman foreign element in Burma.

Mr. MADANJIT (Burma) appealed to the Indians here to come to the rescue of the one million of the Indians in Burma who could not peacefully breathe there if the proposed legislation were not vetoed by Lord Reading. The Indian Congress was taking interest in the position of the Indians in South Africa, of those in Fiji and Kenya, but not of those in Burma.

The resolution was carried unanimously.

6.—The Franchise Question.

Dr. SATYAPAL in place of Mahatma Gandhi moved the resolution approving and confirming part I of resolution passed by the A. I. C. C. at Patna regarding the alternative Franchise and creating the All-India Spinner's Association. He made a long speech explaining the importance of Khaddar.

Mr. C. Venkatramana IYENGAR, though he possessed shares in Mills, supported the resolution as he believed there was at present no antagonism between the mill industry and the Khaddar industry. If the manufacture of hand-spun yarn was increased there would be great possibility of reducing the import of foreign cloth and foreign yarn. Mills in India could not completely clothe us and there would always be demand for Khaddar and if the quality and quantity of Khaddar was improved it would be all the better.

Moulana Haarat MOHANI opposing the resolution objected to the insistence of Khaddar dress for Congress work although he believed in the utility of wearing Khaddar. To be a member of the Congress was the right of every Indian and to deprive him of it on the ground that he did not put on Khaddar was nothing short of coercion. He wondered if the Congress would appreciate the resolution that those who were not vegetarians should not be entitled to exercise their Congress membership rights. It was argued that there must be a National Uniform but what was the need for it. By these sartorial requirement the Congress was shutting out persons like Mr. Jinnah, Sir Tej Bahadur Sapru and Mr. Chintamani who were not opposed to the Congress nor to Khaddar. Maulana Haarat Mohani had a suspicion that the Congress workers did not always put on Khaddar. At best each could have but one pair of Khaddar cloth to put on on Congress occasions and yet why have the compulsion and disqualification in case of not wearing Khaddar?

Maulana MOHAMED ALI complained that what India possessed was not intelligentia but unintelligentia, for if they really had intelligentia the country could never have remained for so long in the occupation of a handful of Englishmen. Mr. Haarat Mohani had opposed the resolution on the ground of his dislike of conscription. The speaker asked whether it was not a fact that during the last war when voluntary recruitment did not come up to the standard, conscription was a necessity. The speaker emphasised that what India needed was not protection to transfer 70 crores from the pockets of

Manchester to those of Bombay, but a machinery for the proper distribution of wealth so that these 70 crores might be distributed among twenty crores of poor "Kisans." They jeered at Mahatma Gandhi's prescription for liberty, perhaps because it was so cheap. He asked them to remember that Napoleon used to say that every army was a reptile. It marched on its bellies. It was, therefore, important to feed the bellies in India. Crores of people did not fill their bellies by two meals a day and until they did that India would be unfit for liberty. The same was true regarding the "untouchables." "If you do not remove untouchability and ask for liberty, you are fools and you pretend to be philosophers."

The resolution moved by Dr. Satyapal was then put to vote and carried, only a few voting with Hasrat Mohani.

American's Tribute to Mahatmaji.

Mrs. Naidu then introduced Professor Holmes of U.S.A. whom she described as the American Ambassador who had come to tell them that America was looking to India to get her freedom as speedily as possible. (Applause).

As Professor HOLMES rose from the dais towards the rostrum, dressed in English clothes and wearing a white Gandhi cap, he was cheered. He said he could not claim in an official way to represent America. He belonged to the Society of Friends known as Quakers and was a member of the Federation of Labour. He could unofficially claim to speak for his Society and labourers and in those two capacities he was there to express sympathy and interest of the American people for the service of humanity as well of India that the Congress had undertaken and especially American affection and loyalty for the great leader who had risen among them. (Applause). "Yesterday I heard Dr. Abdur Rahman claiming Mr. Gandhi as a South African. May I not to-day claim him for the world? (Applause). May I not say that the Society of Friends which I represent regard him with the same reverence and believe in his work as you do? (Hear, Hear). I ought to say that we people have been very far wrong in our western civilization. We have gone too far in the pursuit of wealth and power. It is a deep evil in our whole western civilization. Our love of wealth has resulted in the concentration of wealth among some and has caused labour troubles. Our longing to the west for power has brought on war after war and seems likely to plunge into still further war until perhaps it destroys our civilization. So we gladly turn to you who are indicating another and better way and we hope that while keeping good things in our civilization regarding the power over nature and inventions we should follow the brotherly spirit which is represented by the great prophet among you (applause)."

"It would be presumptuous for me to say anything about the problems before you but let me say that no one brought up in U.S.A., however he or she might have gone wrong, can fail to be touched and thrilled by every movement for human freedom and for the liberty of the people of the world (applause).

7.—The Political Programme

At 5-45 p.m. Pandit Motilal rose amidst cheers to move the main

resolution of the session outlining the political programme. The following is the full text of the resolution as amended by the Subjects Committee.

"This Congress confirms Part B of the resolution passed by the All-India Congress Committee, at the meeting held at Patna, on the 22nd and 23rd September last, and resolves that the Congress do now take up, and carry on, such political work as is necessary in the interest of the country and, for this purpose, do employ the whole of the machinery and funds of the Congress, save and except such funds and assets as, under that resolution, have been declared to belong to the All-India Spinners' Association, and such funds and assets as may be ear-marked.

"This Congress reiterates its faith in civil disobedience as the only effective weapon to be used, in the last resort, to enforce the national honour; but realises that the country is not now ready for it; and in view thereof, this Congress resolves that the guiding principle, in carrying on all political work, shall be self-reliance in all activities which make for the healthy growth of the nation, and resistance to every governmental or other activity that may impede the nation's progress towards Swaraj; and this Congress adopts the following programme of political work :—

"(1) The work in the country shall be directed to the education of the people in their political rights and training them to acquire the necessary strength and power of resistance to win those rights by carrying out the constructive programme of the Congress, with special reference to popularising the spinning wheel and khaddar, promoting inter-communal unity, removal of untouchability, ameliorating the conditions of the suppressed classes and removal of the drink and drug evils; and shall include the organisation of villages, the capture of local bodies and the promotion of education on national lines and of labour, both industrial and agricultural, the adjustment of relations between employers and labour, and between landlords and tenants, and the general advancement of the national, economical, industrial and commercial interests of Indians, both in India and Overseas.

"(2) The work outside the country shall be directed to the dissemination of accurate information.

"(3) This Congress adopts the terms of the settlement offered by the Independent and Swarajya Parties of the Assembly on the 18th February, 1924, and incorporated in its resolution of the same date, as terms on behalf of the country, and, having regard to the fact that the Government have so far not made any response even to the said offer, the following further action shall be taken—

"(1) The Swarajya Party in the Assembly shall, at the earliest opportunity, invite the Government to give their final decision on the said demand, and in case no decision is announced before the end of February, or the decision announced is held not to be satisfactory by a special committee consisting of the Working Committee of the Congress and the members named below, the party shall by adopting the proper procedure, intimate to the Government on the floor of the House, that the party will no longer continue to remain and work in the present legislatures as heretofore, but will go into the country to work among the people. The Swarajist members of the Assembly and the Council of State will vote for the rejection of the Finance Bill and, immediately after, leave their seats. The Swarajist members of such Provincial Councils as may be in session at the time shall also leave their seats and report themselves to the Special Committee aforesaid, for further instructions. Swarajist members of such Councils as are not in session, at the time, shall not attend future meetings of the said Councils, and shall, likewise, report themselves to the Special Committee.

"(2) No member of the Swaraj Party in the Council of State, Legislative Assembly or any of the Provincial Councils shall thereafter attend any meeting of any of the said legislatures, or any of their committees, except for the purpose of preventing his seat from being declared vacant, provided that it shall be open to the special committee to allow the Swarajist members of any legislatures to attend the said legislatures when such attendance is, in its opinion, essential for some special or unforeseen purpose, and provided also that, prior to their being called upon to leave their seats, it shall be open to the Swarajist members of the various Legislatures, to engage themselves in such activities in their respective legislatures as permissible to them under the existing rules of the party ;

"(3) The special committee shall immediately on receipt of the reports mentioned in Sub-clause (1), call a meeting of the All-India Congress Committee to frame a programme of work, which shall be carried out by the Congress and the Swaraj Party organization in co-operation with each other throughout the country ;

"(4) The said programme of work shall include selected heads of the general work mentioned in Clauses (1) and (2) above, as also the education of the electorates in the policy herein laid down, and shall indicate the lines on which the next general election is to be run by, and in the name of the Congress and state clearly the issues on which Congressmen shall seek election;

"The Congress hereby authorises the Provincial Congress Committees to select candidates for the Provincial Legislative Councils and the Indian Legislative Assembly in their provincial areas for the general election next year, as early as possible, provided that the policy of non-acceptance of offices in the gift of the Government shall continue to be followed until a response to the terms of settlement aforesaid is made by the Government.

"(5) In the event of the final decision of the Government, on the terms of settlement of the Assembly, being found satisfactory and acceptable by the aforesaid Special Committee, a meeting of the All-India Congress Committee shall forthwith be held to determine the future course of action.

"(6) Until the Swarajists leave the legislatures, as herein provided, the constitution of the Swaraj Party and the rules made thereunder shall be followed in the legislatures, subject to such changes as may be made by the Congress or the All-India Congress Committee, from time to time;

"(7) For the purpose of starting the work under Sub-clauses (3) and (4), the All-India Congress Committee shall allot such funds as it may consider sufficient for the initial expenses of the necessary propaganda in that behalf; but any further funds required for the said purpose shall be raised by the Working Committee or, under its directions by contributions from the public."

Pt. Matil spoke for little less than an hour in Hindi mainly explaining the provisions of his long resolution for the information of the delegates who had not been yet supplied with the Hindi version of it. He said he knew the resolution would be strenuously opposed by some. He would, therefore, reserve his arguments for the final reply, but he emphasised that since the Gaya Congress this was the first time that a resolution was moved representing the common demands of the two wings of the Congress. It had come before the Congress in the shape he was putting it forward after undergoing many alterations and after a stiff fight in the Swaraj Party Council and Congress Subjects Committee.

PANDIT MALAVIYA'S AMENDMENT

Pandit MALAVIYA then rose amidst cheers to move his amendment, which was supported by Mr. M. R. Jayakar. Pandit Malaviya's amendment proposed considerable alteration in the main resolution :—

Firstly, it omitted the para referring to Civil Disobedience.

Secondly, it amplified the Congress programme of political work, by including in it the following: "That the work in the legislatures shall be so carried on as to utilize them to the best possible advantage for early establishment of full responsible Government, co-operation being resorted to when it may be necessary to advance the national cause and obstruction when that may be necessary for the advancement of the same cause."

This suggestion, Pandit Malaviya said, embodied exactly what Lokamanya Tilak and Deshbandhu C. R. Das had stated in their speeches at the Amritsar Congress in 1919. Lokamanya Tilak had said: "We shall utilize the Reforms Act to the best possible advantage, and Mr. C. R. Das had said: "We shall co-operate when it may be necessary to advance the national cause, and shall obstruct when that may be necessary for the advancement of the same cause."

Another change proposed by Pandit Malaviya's amendment was that

While Pandit Motilal's Resolution commits the Congress only to the Assembly's resolution of 18th February regarding a Round Table Conference, he wishes to commit the Congress also to the acceptance of demands for Reforms enunciated in the Assembly's resolution of September last.

A further change proposed was that

The Congress should call upon not only the Swaraj Party but also jointly the Independent Party of the Assembly to ask for final decision in the next session of the Assembly.

Pandit Malaviya's amendment finally proposed

To omit all the details proposed to be taken in connection with the withdrawal from the Councils in case the Government's reply was not satisfactory.

Pandit Malaviya's amendment merely said that in case the reply was held to be unsatisfactory by the All-India Congress Committee, it should call a Special Session of the Congress before the end of May to decide the future course of action.

Pandit Malaviya said he had come there to give his honest opinion. They should not let the people have jokes at their expense by setting forth a detailed programme, which he knew the Swaraj Party would not be able to carry out. In the past the Swaraj Party had not been able to fulfil all pledges about the programme. He wanted to avoid that in future. Why tie their hands now at this stage?

As the hour was late the Congress was adjourned for its final sitting the next day.

THIRD DAY—28TH DECEMBER 1925

The concluding sitting of the 40th session of the Congress was held on the 28th December and was mostly devoted to the discussion of the resolution about the political programme. The Pandit was full of delegates and visitors.

The proceeding were begun at 12.30 by Mr. Syed MAJID BUX moving an amendment, declaring that the country was fit for Civil Disobedience. He ridiculed the idea of the resolution, in one breath admitting the country's unfitness for Civil Disobedience and in another giving an ultimatum to the Government. They would be merely laughed at and ignored by the Government. His opinion was that the leaders were reluctant to lead, but the country was fit for Civil Disobedience. (Applause). He proposed that the Special Committee should be asked to declare Civil Disobedience in case the Government did not respond.

Mr. SAMBAMURTI moved another amendment. He would not entrust it to a Special Committee to declare Civil Disobedience. He held that the country had in the past responded nobly to calls of civil Disobedience. He told his Swarajist friends that nothing would capture the imagination of the electors at the forthcoming elections than the launching of resistance campaigns in various provinces, on the issue of prohibition, tax, or some other local grievances. If they would wait till the minor communal differences were got over, they would have to wait for the Doomsday. The best way to train

the country to fight the battle of freedom was to engage in skirmishes in numerous places.

Mr. Srikrishnadas LULLA moved an amendment urging that when the Swarajist members of the Councils withdrew, those holding elective or nominated offices in the Legislatures or Committees should also resign their posts. He said his motion would have the effect of making Pandit Motilal resign his Committee membership of the Sken Committee and Mr. Patel the Presidentship of the Assembly. He warned that Pandit Motilal's refusal to agree to his motion made him feel that there was some camouflage being practised.

Pandit MALAVIYA received an ovation on rising to explain his amendment, moved the day before towards the close of the sitting.

Pandit Malaviya recalled the proceedings at Amritsar where Deshbandhu Das, Mahatma Gandhi and Lokamanya Tilak were all united in making an earnest effort in working the Reforms Act, to co-operate or to obstruct as country's interests required. Pandit Motilal's resolution however was neither fish nor flesh and he appealed to the Congress to save the honour of the nation by not passing it, for the Swarajists would not be able to carry out the programme and would make the Congress a laughing stock of the world. Pt. Malaviya drew attention to a motto in the Pandal, "Be Honest" giving Mahatma Gandhi's advice. Pt. Malaviya endorsed this and asked them to be honest. His view was that non-co-operation did not succeed. Then the Swarajists entered the Councils with a manifesto in favour of consistent and uniform obstruction. This programme was not carried out and, indeed, could never have been carried out. In effect only responsive co-operation had been observed and had caused amusement. He did not want to bring in personalities, for he himself felt ashamed in confessing that his brother Pandit Motilal's policy had failed. He asked the Congress to place the interest of the nation above personality. He knew that the Swaraj Party would not be able to do what Pandit Motilal's resolution had outlined. As for acceptance of office it had been decided already by Mr. Patel and Pandit Motilal accepting the Chair of the Assembly and the Sken Committee membership respectively. Pandit Motilal expected a great deal from the Sken Committee. The speaker did not, because his experience of the Military Requirements Committee before whom he was examined for 3 half hours, had made him less hopeful. But the speaker was pleased at their accepting office. For, he believed, that if they could fill the places of Ministerial and Executive responsibility with patriotic men whose policy they could control, the cause of the country would be advanced. In his fifty years of public life he had not come across a sharper intellect than that of Lokamanya Tilak. (Applause). Even Mahatma Gandhi had been deceived, but Lokamanya Tilak was never deceived. And Lok. Tilak had advised responsive co-operation, for he believed in entering into all quarters of Government and squeezing as much as possible for national advance. The Swarajists, however, had entered Government quarters, but refused to exploit them.

Continuing Pandit Malaviya asked why should any reference be made to Civil Disobedience? Mahatma Gandhi, the greatest authority on the subject, had stated that the country was not fit for it.

Pandit Malaviya further emphasised that no fight was possible without unity and Mahatma started his movement, because Indian opinion had become united on the Bowlett Bill issue. If they wanted Government to yield, the only

way was to embrace all political parties and establish only one Congress Party. Up till 1919 the doors of the Congress were open to Musalmans, big Zemindars and all took part in it. Now, however, the Congress was being handed over to a handful of Swarajists, Muhammedans and landlords were prominent by their absence. The resolution itself was full of inconsistencies. While they had opened the door of the Congress for all, they had kept it virtually closed, even by their revised franchise. Pandit Malaviya warned that the Swaraj Party did not succeed at the last election and it would succeed even less at the next. If the Congress adopted the resolution, it would ruin the interests of the country during the next four years at the end of which a Royal Commission must in any case be appointed.

Concluding Pandit Malaviya said he was glad that there was larger section now to support him than during the past four years. Even if he failed on that day he would not be disappointed, but hoped to succeed soon. He pleaded that the honour of the nation demanded that the Swarajists who had not fulfilled their previous pledges, should no longer be trusted to carry out a new pledge. His suggestion was safe, inasmuch as it urged that a Special Congress should be summoned to give them a fresh mandate in May.

MR. JAYAKAR'S RESIGNATION.

Mr. JAYAKAR seconded the amendment of Pandit Malaviya. At the outset he made a dramatic announcement that he (Mr. Jayakar), Mr. Kelkar and Dr. Moonje had resigned their seats in the Bombay Council, the Legislative Assembly and the Central Provinces Council respectively. This step they had to take because, being members in the Councils on the Swaraj Party ticket, they could not at present subscribe to the policy and moreover they wanted to educate the country regarding Responsive Co-operation. This announcement was received amidst applause from a section of the House.

Mr. Jayakar said that there were only two ways open to them, viz., either they believed in the Council programme or they did not. If they did not believe in the Council entry they must get out of it and educate the country for such action as the country would be ready for. If, on the other hand, they remained in the Councils they must, as Pandit Malaviya rightly observed, take the last juice out of it by occupying every place of power, initiative and responsibility and would give no quarter to the bureaucracy. He agreed that it did mean considerable humiliation, that people who went to the Council to obstruct should have to take offices of power and responsibility. But if they wanted to be honest they must suffer the humiliation of working the Councils.

They all admitted that the country was not ready for civil disobedience, and yet outlined it in the resolution. This weakening process ought to be dropped. What was the use of this pious expression that civil disobedience was the only effective weapon and all that? If they believed in that then "Come out of the Councils and start Civil Disobedience." If they did not believe in it "Don't say so." There was one man who understood this civil disobedience and who knew when to practise it. It was Mahatma Gandhi. Let all be guided by him. If they did not believe in civil disobedience then the most honest course was to work the Councils for such as they were worth. He could understand the proposition of leaving the seats in the event of unsatisfactory reply. But what was this statement in the resolution that the Special Committee might allow the members to get in

again for special or unforeseen circumstances? Then the proviso to clause 3 talked of the non-acceptance of office in the gift of the Government till the response was made. It logically followed that Pandit Motilal Nehru and Mr. Patel must leave their respective seats on the Skeen Committee and the Presidentship. But it was a great mistake to be logical in politics. So let them be there and carry out their duties with honour and self-respect as they had been doing up till now. The principle of Responsive Co-operation was, however, established by their actions and in course of time it would become the accepted policy.

Mr. J. N. SEN GUPTA supported Pandit Motilal's resolution. First of all he drew the attention of the House to the proviso that no offices in the gift of the Government would be accepted until the Government response was satisfactory. This must not be lost sight of by those who would vote on this proposition. It was mere academical at present to talk of civil disobedience. Mahatma Gandhi did not feel confident of starting civil disobedience. Pandit Motilal was also hesitant and so also was the late Deshbandhu Das. But God willing if this resolution of Pandit Motilal Nehru was passed by the Congress and Congressmen were sent in a large majority in the next general election then in the February of 1927 Bengal would not hesitate to start civil disobedience. With the Congress mandate behind them they would return in a majority in Bengal, Madras, Assam and several other Legislative Councils.

Mr. Jayakar's Responsive Co-operation was mere co-operation without any response. But if the motion was passed the working of the Reforms machinery would be stopped in February 1927. Pandit Malaviya had talked of Lok. Tilak's Responsive Co-operation. But that was in 1919. Demand after demand in the Assembly and in the Provincial Councils had been refused by the Government and Mr. Jayakar still talked of Responsive Co-operation. Pandit Malaviya had also talked of unity and no-party. But the duty of all Congressmen was to submit to the decision of the Congress and not to create parties.

A voice : What about Gaya ?

Mr. Sen Gupta : At Gaya we had faith in our own programme and therefore we got out and raised the standard of revolt. But our friends want to be in and create parties. So I say, either submit and unite or raise your revolt.

Mr. ABHYANKAR supported the resolution of Pt. Motilal and controverted the arguments of Mr. Jayakar. He was surprised that Mr. Jayakar and Pandit Malaviya who had never stood within ten miles distance of Lok. Tilak in his life were invoking his name. To say that the acceptance of ministership was Responsive Co-operation was an insult to the doctrine of Responsive Co-operation. He had no quarrel with the doctrine as such but with the programme that was sought to be shoved under it. Pandit Malaviya had talked of swords. Great words indeed—India would indeed thank herself if Pandit Malaviya could come to swords. However, Mr. Abhyankar congratulated Messrs. Jayakar and Kelkar on having dragged Dr. Moonje into the open. (Laughter). Mr. Jayakar had asked the Congress to think of the country and not of the party. Had he forgotten that the Swaraj Party—in the words of Mahatma Gandhi, Lord Birkenhead and Lord Reading, was the only party which was going ahead with its programme. Did Mr. Jayakar think that the Swaraj Party was not for the

country. There might be differences between the pure No-changers and the Swarajists. But they would be able to join hands soon and stand boldly in the face of the Government. But Mr. Jayakar with his programme of Responsive Co-operation was falling at the feet of Government.

Mr. Jayakar said that civil disobedience was a camouflage. Was it not a camouflage to which he agreed only 24 hours ago and that he changed his views about it the moment Pandit Malaviya arrived from Benares? Then again was it not Mr. Jayakar who in the Subjects Committee agreed not to oppose this resolution.

[Mr. Jayakar intervening, explained that he merely told in the Subjects Committee that he would not move his own amendment and he had done so.]

Mr. Abhyankar continuing said that Mr. Jayakar had asked them to be logical by remarking "either join the Council, work or get out of it." But the next moment he changed his logic and said that Responsive Co-operation meant the acceptance of office, such as ministerships. Mr. Jayakar and his party had indeed reached the top of the hill and the next step was descent. It was for them to decide whether that descent should be orderly or disorderly, graceful or disgraceful (Applause).

Mr. PALLIWAL in eloquent Hindu supported Pandit Motilal's proposition and pointed out that the country was certainly not for civil disobedience at present. There was no use embarking on it at present. All the same they all believed that it was the last weapon to be used against the Government in order to enforce their national demand. But in the meanwhile the programme of work chalked out in the resolution of Pandit Motilal was the best and should obtain the approval of the entire Congress. Pandit Malaviya had quoted Mahatma Gandhi's dictum hung on one side of the pandal, "Be honest." But he had forgotten to see the other side of the pandal where there was the motto of Deshbandhu Das, "End or Mend." It was this policy that was embodied in the resolution.

Sj. Shyam Sunder CHAKRAVARTY (No-Changer of Bengal) opposed the resolution. It was a pain to him to have to oppose a motion which was said to have the sympathy of Mahatma Gandhi. Mahatmajai was certainly not in very much sympathy with it. His heart was against it. But what could he do? Like Jesus, Mahatma Gandhi, too, was not listened to or to be more accurate, obeyed. This resolution was the denial of Gandhism. It was all words. It was an inconsequential document and it was inconsistency personified. The resolution talked of self-reliance in one breath and in the next suggested asking the Government to give an answer to the Assembly's resolution. By passing the resolution the chariot of progress would be dragged back and the Non-co-operation policy would be jettisoned. Non-co-operation was a creative programme notwithstanding its negative name and it was the one "mantra" which would in the end bring Swaraj.

Dewan CHAMANLAL declared that responsive co-operation would mean in practice responding to every kick received from the bureaucracy. No Governor would appoint a Minister pledged to obstruction. Then, again, even the Liberal Ministers had told the Muddiman Committee that the Reforms were unworkable. Pandit Malaviya's amendment would weaken the backbone of the people of the country at a time when the need was to strengthen it.

Dr. MOONJI said Lala Lajpat Rai had said that he could not find his way in the prevailing darkness. Responsive co-operation showed him the way. He agreed with Lalaji that Government service was not desirable, but in a case where a party was in majority then its leaders must be nominated Ministers and these Ministers could not be dismissed by the Governor and would be servants not of the Government but of their own party. He knew that just as at Gaya Lalaji patted them on their back two years hence Lalaji would do the same when the speaker's plea would succeed.

The English were a heartless people. No amount of sacrifice moved them. Twenty-five thousand men went to jail but the Criminal Law Amendment Act was not repealed. They should take a lesson from the Bengal partition and work to success through respo naive co-operation.

PUNDIT NEHRU'S REPLY

Pandit MOTILAL, replying to the debate, said Pandit Malaviya had quoted the speeches made in 1919. The speaker's honest view was that Pandit Malaviya might have more appropriately quoted from Ramayana. (Laughter). For who did not know to-day in India why since 1919 their opinions had changed and why Mahatma Gandhi had to launch non-co-operation.

Pandit Malaviya had quoted Das of 1919, but had forgotten what Das had on his lips at his last moment in his Faridpur speech, with which even the Government was pleased. The speaker had followed the course outlined by this speech. Das had said that if a settlement was not arrived at, the Government must be let to carry on government by exercise of exceptional powers, and that then the people be advised to refuse to pay taxes. Civil Disobedience, however, required a high state of organisation and he saw little hope of India being ready for Civil Disobedience until she was prepared to work Mahatma Gandhi's constructive programme. But the ultimate end must be kept in view if freedom must be won.

Mr. Jayakar had in Bombay held this speech of Das as the last will and testament. Pandit Malaviya had not taken part in the disobedience campaign, but like one sitting high up and seeing beyond had told them: "Did I not tell you so." Pandit Malaviya had accused the Swarajists of loud talks but doing little. Pandit Motilal challenged to prove that the Swarajists had carried out their pledge to every inch of it. They had declared in favour of uniform obstruction only if they were returned in a majority. Otherwise, how could they obstruct successfully?

Pandit Motilal declared that he as the Leader of the Swaraj Party—a party whom even Lord Birkenhead had described as highly organised—was surrendering it to the Congress. The Swarajists were of the Congress, and were not like Pandit Malaviya, who had stood all through aside.

Pandit Motilal defended Mr. Patel's presidentship of the Assembly as even the King could not dismiss him. His ruling were binding on all and so long as he did not come nothing that the Government could do would enable them to have a session of the Assembly. Was such an office one in the gift of the Government?

As for his seat on the Sken Committee the Assembly had asked for an Indian Sandhurst and the Government said: "Show us the way." What they wanted was negotiation to show the Government the way to

Sandhurst and meet their demand. And if in the same way the Government asked them to show the way to the reforms they would certainly co-operate.

Pandit Motilal made reference to the appeal of Pandit Malaviya "Be Honest," and quoted from Pandit Malaviya's speech in the Assembly regarding the throwing out of the Finance Bill showing that Pandit Malaviya had characterised the Reforms as a sham. And he was asking them to work those very Reforms! Pandit Malaviya had emphasised the need for unity. The speaker agreed, but unity by itself could not achieve their end. Unless they had sanction behind them in the form of the ultimate idea of Civil Disobedience the Government would not yield. He emphasised that Mahatma Gandhi had given his approval to the resolution. Pandit Malaviya on the other hand wanted them to divorce themselves from all that had occurred since 1919 and accept the programme of Amritsar.

Pandit MALAVIYA then came to the rostrum for a personal explanation. He said: "Mr. Sen-Gupta, Pandit Motilal and others who spoke in the same strain with them have misrepresented me in two or three respects. (Voice—no, no, yes, yes, go on, go on.) Mr. Sen-Gupta told you that I misrepresented Mr. Das. I wish to point out that a compromise clause was added to the Amritsar resolution and on that occasion Mr. Das said he wanted full responsible Government and he would use co-operation when it would be necessary and resort to obstruction when that would be necessary to attain the same object. Lok. Tilak said on that occasion that—(At this stage several delegates cried: Order, Order).

Pandit Malaviya—"Learn to hear the truth even if it is unpleasant. I quoted the 1919 speeches not to say that Gandhiji, Mr. Das and Lok. Tilak are authorities for your action at present. I never suggested that I wanted to show that the policy which the Swarajists pursue is the same as that advocated in 1919. After that Gandhiji advised non-co-operation which has failed and the Swarajists started in effect responsive co-operation. I wish Gandhiji had been here to hear all these points and bear out my statements. I am sure if he had been here he would not have supported Pandit Motilal's resolution".

Pandit Motilal NEHRU characterised Pandit Malaviya's statement not as a personal explanation but that dealing with his arguments. This was not fair. The audience was not here to decide what Gandhiji might have thought if he had been here but judge on the merits of the proposition before them and vote.

AMENDMENTS LOST

Mr. Majid Buksh's amendment regarding Civil Disobedience was withdrawn, as also Mr. Sri Kishendas Lullah's amendment regarding acceptance of elected offices. The latter withdrew on an assurance that the All-India Congress Committee could deal with it.

Sri Govindanand's amendment for deletion of the statement that the country is not now ready for Civil Disobedience was lost.

Pandit Malaviya's amendment to Pandit Motilal's resolution was lost without division.

Then Pandit Motilal's resolution was carried by a large majority amidst applause.

Other Resolutions.

The other resolutions on the agenda were formally put from the chair and carried without any opposition.

1. The first was that the proceedings of the Congress Committee, All-India Congress Committee and Working Committee should ordinarily be conducted in Hindusthani, English or any provincial language may be used if the speaker is unable to speak in Hindustani or whenever occasion arises. The proceedings of the Provincial Congress Committee should ordinarily be conducted in the language of the Province. Hindustani may also be used.

2. The second resolution authorised the opening of a Foreign Department under the Congress to look after the interests of Indians abroad and carry on an educative propaganda in the country regarding their position in the British Empire and foreign countries.

3. The Congress placed on record its grateful appreciation of valuable services rendered by the General Secretaries, Messrs. Jawaharlal Nehru, Bharucha and Shuaib Quarashi; and in their place the following were appointed for 1926: Dr. M. A. Ansari, Mr. A. Rangaswami Iyengar and Pandit K. Santanam. Old Treasurers and Auditors were re-appointed. The report of the All-India Congress Committee together with accounts was presented.

The next session of the Congress was decided to be held in Assam.

THANKS TO DELEGATES.

Dr. MORARILAL, on behalf of the Reception Committee, thanked the delegates and said by having come to Cawnpore in such numbers they had strengthened the local people in Congress work, and added to their earnestness for political work. He also thanked those who contributed to the success of the exhibition and helped the Reception Committee by contributing to its funds. Volunteers were also particularly thanked.

Pt. Ganesh Shankar VIDYARTHII seconded, remarking that they would have been able to serve better had a number of difficulties not been put in their way, and made special mention of the Kakori Dacoity Case which took away some of the most important Congress workers from amongst them.

Mr. S. Srinivasa IYENGAR thanked Cawnpore on behalf of the delegates. The Congress had been a success in as much as unity had been reached between several sections of the Congress, and Lala Lajpat Rai had supported the main resolution. But his satisfaction was tempered by the fact that some of his most able colleagues had perhaps chosen to part company. But he hoped they would think over the position.

PRESIDENT'S CLOSING REMARKS.

Mrs. NAIDU in her closing remarks dissolving the session said: "In the course of these three days you have repeatedly taken the oath that you will choose between liberty or death. You will be sinners if you do not stick to your vow. I am only a standard-bearer. I shall keep up the standard of liberty that you have entrusted to a woman, with my whole strength, and assure you I shall not allow it to fall down." (Applause.)

All-India Khilafat Conference

CAWNPUR-24TH DECEMBER 1925.

The All-India Khilafat Conference opened its proceedings on the 24th December at 3 P.M. under the presidency of Maulana Abul Kalam Azad. Prominent among those present were Maulanas Mahomed Ali and Shaukat Ali, Janab Yakub Hassan, Mr. Murtaza Sahib, Mahatma Gandhi, Mrs. Sarojini Naidu, Messrs. S. Srinivasa Iyengar, A. Rangasamy Iyengar and T. Prakasam. The proceedings commenced with prayers. A message of sympathy from Hakim Ajmal Khan was then read.

Fundamentally opposed views on the Hedjas were expressed at the Conference on this day by Maulana Hasrat Mohani, Chairman of the Reception Committee, and Maulana Abul Kalam Azad, President of the Conference. Some excitement was caused when the former spoke.

The Chairman's Address

Maulana Hasrat MOHANI, in welcoming the delegates, said the Turks had no power to end the Khilafat, which must endure so long as Islam existed. It was only the responsibility for the office that the Turks had refused to assume. He held they were prepared to help the Khilafat. They had indeed already received a message through Dr. Amari that the Turks after settling their internal difficulties would be able to undertake the responsibilities of the Khilafat. But the Turks insisted that it must be democratised, namely that the Khalifa be elected and be helped by a Council whose opinion he voiced through the chosen Khalifa. With the Turks refusing to have the Khilafat it must go to the King of Hedjas or President of the Republic of Hedjas. He would prefer the latter, though there seemed no immediate prospect of getting it.

Maulana Hasrat Mohani, however, held it was impossible to protect the Khilafat without the aid of Turkey, and therefore the strongest blow to the Khilafat was the English and French mandate over Iraq and Palestine. The speaker held that the only silver lining in Sheriff Husain's career was that he refused to sign an agreement with Britain regarding the Jewish Home in Palestine, but what Sheriff Husain refused to do has been readily done by Ibn Saud in the form of the Clayton-Ibn Saud agreement, thereby jeopardising the interests of Turks and Druses. Indeed, he held that this settlement opened the way for Britain to do a gross wrong to Turkey by securing the League's decision in her favour regarding Mosul.

Maulana Hasrat Mohani urged that the Central Khilafat Committee should cease to support Ibn Saud and should stand for a Republic in Hedjas. For, if Ibn Saud once established himself in the Hedjas, it would be impossible to have a Republic form of Government. After the formation of the Hedjas Republic its head should act in Council and be declared Khalifa in Council, India being duly represented on this Council to consolidate the Khilafat. Efforts should be made to rid Syria, Palestine and Iraq

of foreign control and establish direct contact between Turkey and the Hedjaz. He declared any one opposed to this programme should be repudiated. He asked the Central Khilafat Committee to rise above party factions, or it would lead to ruin.

The Presidential Address

Maulana Abul Kalam AZAD in his Presidential Address, which was delivered "extempore," first dwelt on the need for continuing and strengthening the Khilafat organisation. This body, he held, was the only "bona fide" body representing Muslim opinion on the issues now troubling the Muslim world. To dissolve the organization would be held to be a serious set back to their work.

The Hedjaz question was the most important. They should all have rejoiced at the downfall of the Sherifian family and should applaud Sultan Ibn Saud's efforts. In this behalf the Central Khilafat Committee had already declared its abhorrence at demolition of some of the holy places. Ibn Saud had declared that he was for the inquiry done to the holy places in his absence and he had declared his willingness to abide by the opinion of theologians and to afford facilities for repair. A Conference of Muslims of the world should be soon held. India should be properly represented on it. The Khilafat organisation was representative of the Muslims in India.

Touching on the internal politics, Maulana Azad said the Khilafat Committee should ally themselves with the Congress organisation for the furtherance of the national programme. The Khilafat Committee should have definite views on the question of Council-entry and the Maulana would himself advocate Council work. The Khilafat Committee should put forward its programme in clear and unambiguous terms. The Maulana laid stress on the political education of the people so that the desired end could be achieved.

MAHOMED ALI'S ATTACK ON MOHANI

After the Conference was over, the Khilafat demonstration was held late at night when several speakers addressed a large audience in the Khilafat Conference. Maulana MOHAMED ALI spoke adversely on the speech delivered by Maulana Haarat Mohani as Chairman of the Reception Committee in which Mohani Sahab had gone beyond his province on commenting upon various matters. Maulana Mohamed Ali held that they must not, as Maulana Haarat had done, accept the newspaper rumour of the Clayton-Ibn Saud Agreement. Of course, if Ibn Saud behaved in the manner Sheriff Hussein had acted they would all oppose him too. But so far no definite proof was forthcoming about the Agreement. On the other hand, Ibn Saud had done well in turning out the Sherifians.

As regards the necessity for the Khilafat Conference, he said, if the Turks had won their independence the Indian Khilafatists had in some small way made that possible by carrying on the agitation that it was "haram" (sin) for the Muslim to kill a Muslim. This had prevented the Government in those days to send Indian troops to fight the Turks. The same situation might now arise, if the League's decision about Mosul was enforced. He prayed that the Turks might remain in possession of Mosul. The Khilafat Committee's activities would be required to prevent

Indians being again asked to assist to turn out the Turks from Mosul. Maulana Mohamed Ali at this stage was handed over a cable just then received from the Khilafat Deputation which had gone to inquire into the true state of affairs in Hedjaz. He read it to the audience amidst applause.

The following is the text of the Cable which was published in newspapers under the caption

"How Ali's Garrison Surrendered".

"Emir Ali's Medina garrison surrendered on the 4th of [December. Ula on the 10th. Alwajh on the 18th and Tabuk and Zuba on the 14th. Governor Yamboos is reported to have fled. Troops are expected to surrender soon. Vast quantities of arms, ammunition, railway materials and five wireless apparatus fell into the Mejd's hands. Amir Mohammed entered Medina on the 6th and we on the 10th and offered Juma prayers, all the Mejd's joining. The Amir presented robes to Imam.

"The reports of a crack in the dome of the Prophet's tomb is entirely false. A minute examination disclosed two stray bullet marks on the dome and one minaret, all from Ali's side headquarters. The Bedouins are hostile to Ali. The location of responsibility is impossible. The tomb and the dome of Sydna Hamza is uninjured. Only two of the ornamental tops on the iron railing surrounding the tomb and the portion of the pucca Tawis Aqil's tomb next to Sydna Hamza (since restored) are injured. One raised platform facing the tombs known as Masjid Abusar also suffered. Other tomb domes and historical monuments are quite safe.

"Quba and Hamza Mosques in the Mejd's occupation zone were slightly hit by sharpshooters from Ali's guns. Maghribi Bukhari and the Hindi houses near the city wall were destroyed by Ali's troops. Interviewed Abdul Majid, Ali's commander, justified their action. Reports of indecent search of women leaving Medina by Ali's soldiers, removal carpets and money from Harem of Nabvi by Hussain and Ali are confirmed by Shurafai, Medina Harem officials, Abdul Baqi, Farangimaholi and others. Documentary proof of the offer of Medina to Transjordan by Ali's officials is available. Amir Mohammed are treating the Medinites with brotherly affection and providing relief but distress is acute and extensive. We are opening free kitchen with four thousand rapses under the Supervision Committee consisting of Shaikhul Hurrem, President Municipality, Maulana Abdul Baqi, Farangimaholi, Shaikh Mohammed Hussain, Samman Syed Mahmood Fysabadi Mohammed and Hussain Gabbad."

Maulana Mohamed Ali after reading the telegram appealed for funds to relieve the distress in Medina. Rs. 337 were subscribed on the spot and more was promised.

Proceedings and Resolutions

25TH-28TH DECEMBER 1925.

The Khilafat Conference re-assembled next day on the 25th December. As Maulana Abul Kalam Azad was indisposed, Maulana Mohamed Ali took the chair.

The first resolution moved was regarding the Riffs whose valiant stand against the two mighty European Powers was referred to and their love of Islam and patriotism were applauded. The following resolutions were also passed:—

"The All-India Khilafat Conference resolves that enlistment of volunteers in every district and province should be taken in hand with a view to execute with vigour the constructive programme of Khilafat organization :

"This Conference expresses its profound sympathy with its South African Indian brethren in their struggle for protection of their national and civic rights, and assures them that every Indian fervently desires success to their

cause and would do everything possible for them in their present condition of helpless slavery:

"The Conference invites the attention of all Khilafat workers to the critical and serious situation that has arisen and calls upon them to strengthen the Khilafat organisations in the various districts and provinces within the next three months of the coming year, if they do not want to kill the progressive spirit of national consciousness created in the Muslim community".

IRAQ AND MOSUL

On the 26TH DECEMBER the Conference re-assembled with Maulana Abul Kalam Azad presiding. The first resolution adopted, after several speakers had spoken, was regarding Iraq and Mosul. It was moved by Maulana Abdul Rahman and was seconded by Maulana Shaukat Ali. It reiterated the opinion of the Conference that from a religious point of view they could never accept foreign interference in the affairs of Jazirat-ul-Arab, that Iraq was a part of Jazirat-ul-Arab and that the present administration of Iraq was really British.

The Conference further held that the decision of the League on Mosul was not acceptable, inasmuch as it was against the understanding given by Lord Curzon on the occasion of signing of the Lausanne treaty that no decision regarding Mosul would be taken in defiance of the wishes of the Turks.

The Conference declared that if the Turks were consequently forced to a war, they would be justified in so doing, and that the Khilafat Conference would consider it its duty to help Turks.

Further that Indians should learn from the bitter experience of the last war and should not repeat the same mistake. If, therefore, a war arose on the issue of Mosul, the Conference would try to see that Indians did not render any help in men or money to the British Government.

BOMBARDMENT OF DAMASCUS.

The next resolution condemned the brutal bombardment of Damascus by the French, expressed whole-hearted sympathy with the people of Syria in their struggle for freedom. This was moved by Maulana Suleman Sahib Nadvi and supported by M. Mohamed Ali.

The third resolution declared that Ukba and Muan were essentially a part of the Hedjaz and protested against any attempt by Britain to separate these from the Hedjaz.

The last resolution passed on this day urged the Conference workers to join the All-India Spinner's Association in greater numbers, so that they may not lag behind other communities in this respect.

MOULANA MOHANI'S ADDRESS EXPUNGED

On the 27TH DECEMBER an important decision was taken by the Khilafat Conference to expunge from the official Khilafat documents the address which Maulana Hasrat Mohani delivered as the Chairman of the Reception Committee. It was held that the address advocated views opposed to the declared views of the Central Khilafat Committee and that the views condemning the Khilafat policy for the year had been made in the spirit of irresponsibility. Maulana Azad, President of the Conference, made it clear that in passing the resolution they should not mix up personalities with prin-

ciples and should be guided solely by sense of responsibility and of loyalty to the Khilafat. They had to weigh on one hand the gravity of the issue at stake and on the other the consequences of being forced to deal with personalities. They could not allow such a document to form part of the Khilafat literature without causing grave misunderstanding.

Regarding the attitude of the Conference Maulvi Habibur Rahman said that the address had been condemned in moderate language and that the activities of Moulana Hasrat Mohani in connection with the Khudamul Harman had made him forfeit their confidence. Islam was respectful of no person, however great his past services, if he defied the Muslims in religious matters.

Another resolution of the Conference resolved to take steps to create an atmosphere for healthy annual pilgrimage to Hedjaz, to establish, in case of necessity, Khilafat organization centres in Arabia.

On the 28TH DECEMBER the Conference concluded its session after passing some more resolutions two of which were important namely, those relating to proposed settlement of Moplahs in Andamans and the liberation of Hedjaz.

The Moplah Settlement.

The resolution regarding Moplahs was adopted by the Conference on the motion of Mr. Yakub Hossain of Madras. It declared its resentment at the proposal of the Government of India to make Moplahs with their families settle down in Andamans for the reason that the Jails Committee had already declared against the island being made an abode of prisoners. Moreover, the Conference was opposed to Moplahs being sent away from their homelands to any country, however suitable. Further, the Conference feared, that as men number ten times the women in the island, this would have a very serious effect on the morals of Moplah prisoners and their children.

Liberation of Hedjaz.

The Conference in the resolution about Hedjaz "offers its congratulations to Ibn Saud on the peaceful entry of his forces in Medina and Jeddah and expresses its hearty gratification for complete liberation of Hedjaz from the tyrannical regime of the Sheriffian Government. The Conference further affirms its full satisfaction and confidence in the policy of the Sultan regarding the future of Hedjaz as conveyed in all his declarations, and trusts that the whole Islamic world will welcome his invitation and an International Islamic Conference will soon meet to decide the future of Hedjaz. This Conference resolves that the Central Khilafat Committee should widely proclaim in India that the present well-ordered and peaceful conditions of Hedjaz provides all possible facilities for despatch and return of a very large number of pilgrims during the coming Haj season and may also open its offices at Jeddah or other places, if necessary, for the attainment of this object".

THE PRESIDENT'S CONCLUDING SPEECH

Moulana Abul Kalam AZAD delivered a brief spirited address in bringing to a close the proceedings of the Khilafat Conference. Referring to the main resolution of the session passed, he said: "These urge the Muslims to take the vow of earnest, uninterrupted, solid work for the performance of the duties that are binding on every individual. Nations have their duties

in the same manner as have individuals. Corporate life can be illustrated by the example of bricks and walls. Bricks not joined together can be picked off easily, but once they are joined together—that is, a relation is established (on solid foundation) between each of these—a blow to the bricks would result in injury to one's own feet. This difference was created through a change of relationship. When one brick was put in such a position as to help and support the others, it was made infinitely more strong than it originally was, when it was deprived of the support of others. For nations there are fixed codes of conduct, deviation from which renders them weak, helpless and morally and politically degenerated and deformed. The Indian Muslims are a hopelessly divided and disorganized people—a flock of slaves, a herd of men no better than cattle, neither of use for itself nor of any benefit to the community at large. India's independence cannot long be withheld now but our shameful indifference to our duties and our disregard of the most fundamental political demands might postpone it and the responsibility is great, if we feel that we are retarding the progress of a people advancing towards Swaraj.

"There is an auspicious change in Hedjaz. The land of Arabia has been purged of a great tyrannical administration. From the very first Sultan Ibn Saud had made his policy and position clear and unambiguous. He had declared that he was not seizing Hedjaz for establishing control over it. After the autocratic atrocities of Hussain he was inviting representatives from different countries to decide the future of Hedjaz. There is no possibility of any further doubts as regards his intentions. Past events are proofs conclusive on this vexed question. Those who have eyes can see things clearly and in their true perspective. It was a great mercy that the Almighty showered on us when after ten years of shameful mismanagement and disorganization that was rampant in the very heart of Arabia and which was the cause of much sorrow and suffering, a man came forward to liberate that Holy Land. For full ten years that tyrannical Government of Sharif Hussain was supreme in Hedjaz, in spite of the declared wishes of forty crores of Mussalmans of the world to the contrary. During the course of these thirteen hundred years there has not been an evil of such portentous magnitude than the reign of the Sharifian family. The devastation of Damascus was but a natural corollary to that evil."

"The Mosques should be educational centres for Muslims. Unless a change is sought to be effected in the daily life of a Muslim, no useful results are likely to accrue. Orphanages should also be established where there is need for them. The Khilafat Committee should fix three months for collecting, if necessary, funds required for carrying on its work and the rest of nine months to actual completion of the work taken in hand. This will insure economy of time. Energies will thus not be frittered away in unuseful direction. On an appropriate occasion the Committee shall be accountable for a fixed quota of work undertaken at the beginning of the year. It shall have to fulfil the promises it made at the beginning of the year and provide the much-needed religious education of the Muslims. This would mean enlightenment and education in its truest sense on every seventh day. This refinement of mind would thus be repeated with unfailing regularity. This would be establishing an educational institution, as it were with the minimum expenditure of energy."

All-India Hindu Mahasabha

CAWNPUR—29TH DECEMBER 1925.

The special session of the Hindu Mahasabha was held in the Congress Pandal on the 29th December, the admission being free. Over twenty thousand attended and heard Lala Lajpat Rai, Mr. Kelkar, Pundit Malaviya and others expounding the aims and objects of the Hindu Mahasabha organisation. The pandal was packed to the utmost capacity. A quite large number of Hindu ladies were present.

Rai Bahadur Vishamber NATH, in his address as the Chairman of the Reception Committee, emphasised that so long as the Hindu community did not stand united, India's salvation would not be achieved. Sangathan was therefore, the most important part of their programme.

Lala Lajpat RAI said, in his capacity as the President of the All-India Mahasabha, that he had invited Mr. N. C. Kelkar who had succeeded to Lok. Tilak's 'gadi' to preside over the day's function. Lalaji himself spoke briefly. He said that the Hindu community, perhaps excepting only the Chinese, was the oldest in the world. It was not inferior to any community in Asia in matters of brain and intellectual equipment, for it had produced a poet of Dr. Tagore's eminence, a scientist of Sir J. C. Bose's calibre and a chemist of Sir P. C. Roy's reputation. What then was the Hindu weakness due to? It was the lack of unity and organisation. The Hindu Mahasabha had been, therefore, brought into existence to unite all the Hindus of India with a common bond. Let them have their own differences of caste or creed, if they liked, but they must stand together as a community. The Mahasabha's business would be to organize the community and render help wherever necessary. He was most pained to find the Hindus declare that they had been robbed or killed. He wanted them to remove this weakness and this fear. Let them all harden their mind and face the world in the belief that none could bring them to dust. He reminded them that the Hindus' religion told that they were born to die and that they died to be re-born. Why then the fear of death in upholding their faith and the community's honour? The Hindus' weakness lay in their being too analytical. They must now learn also to synthesise the first lesson which every Hindu child must be taught was not to care for the riches or education, but to stand for his Dharma, to give up cowardice and become lion-hearted in the defence of his faith, not to depend upon the Government or any other powers' help to protect them but to learn self-defence.

Illustrating his point of view Lalaji said that when Sita was in the custody of Ravana and Hanuman reached Lanka and told Sita that he could take her away to Rama, Sita refused to go, because her protection was Dharma of her husband Rama, and that if any one else helped in the escape, Rama would not be able to fulfil his Dharmic obligation (applause). The same way it was the religious obligation of the Hindus alone to protect their wives and children and not to depend upon the Government help. In India

to-day there were not even a dozen true Brahmins. If they had been the cows would not have been sacrificed. There were not even half a dozen true Kshatriyas. If they had been the community would not have had its present difficulties. There were no true Vaishyas who when the community was in danger should have placed their riches at its disposal, as they believed in old times that riches were intended for these ends. The existence of untouchables was a disgrace and should be removed.

Mr. N. C. KELKAR delivered his Presidential address which could be summed up in his sentence that "Hindus not only wish to attain political Swaraj in India, but they also wish to have their proper share of remaining Hindus." The full text of the address is given below.

Pundit NEKI RAM referring to the mass of surging humanity that had filled the pandal felt pleased that it showed that the Hindu community was awake. He said just as to-day the doors had been kept open for free admission, so also must the Hindu community keep the doors open for all to come in. A firm which continued to the debit and put nothing to the credit soon went into insolvency, so would happen to the Hindus, if they continued to diminish and did not add to their numbers.

Sardar Sardul SINGH on behalf of the Gurdwara Prabandhak Committee thanked the Hindus from the platform of the Mahasabha for the help they had rendered in their struggle. He assured them that they would give their life for the protection of the Hindu community; for every one Hindu who died for its protection four Sikhs would lay down their lives (applause). The Punjab Government unsuccessfully tried to divide the Sikhs and the Hindus on the Gurdwara issue, but the Hindus' better sense prevailed. So far as Sikhs were concerned, he declared that in any dispute Pundit Malaviya, a Hindu, would be their nominee for arbitration (applause). Let the Hindus select another.

Mrs. Sarojini NAIDU, the President of the Congress, was given an ovation on coming to the rostrum. She said that for some six days they had been engaged in setting their political programme. But at the same time they realized that Swaraj was not possible so long as there was division among the Hindus and untouchability was not removed. She pleaded especially that the Hindu women must receive their just due and be brought into line with them in the national struggle and national service. The Hindus must organize to defend themselves, but they must see that in so doing they did no injustice to others. Hindu Rajas gave protection to all minorities.

Professors YEN of China, a Buddhist, spoke briefly in English. He pleaded that they should revive the ancient kinship among all ancient people and laid emphasis on social service as being the most important teaching of the religion.

Presidential Address

Following is the presidential address delivered by Mr. N. C. Kelkar at the Mahasabha :—

Ladies and Gentlemen,

Let me thank you for the honour you have done me by electing me to preside over this gathering. I value this honour less for the honour itself than for the opportunity it gives me for explaining my position with regard to the communal contest or controversy in which for the moment all of us seem to be involved willingly or unwillingly

I believe I am one of those who are the least affected by what is really a communal spirit. To me political life and progress in the country is of infinitely greater importance than the progress or set-back of any single community in this country and I can, if necessary, prove that my favourite motto has been the question asked by the Irish Poet in the following words :

Shall I ask the brave soldier
who fights by my side
In the cause of my country
if our creeds agree ?
Shall I give up the friend
I have valued and tried
If he kneels not before
the same altar with me ?

In saying this I am perhaps making a large order upon the credulity of those who believe that I am steeped over head and ears in the mire of a bad communal spirit. But whatever others may think of me I owe it to myself to make my own position clear as far as I can.

I have said that, left to myself I would give the complete go-bye to any communal movement in the country. But I find it impossible to ignore the hard realities of the situation. Strange as it may seem, the prospect of political advance though neither very concrete, nor substantial, has produced a reactionary effect upon the communal tendencies of the people in this country. And what is stranger still, in my opinion, is that the advance of education has, instead of ameliorating the bitterness of communal strife, apparently served only to furnish more abiding reasons for the continuance of its intensity than the unaided religious sentiment of the followers of the different religions in India. The proportional growth of communal feeling in India side by side with the progress of education and political sentiment looks indeed like a problem for a psychological investigator. But I think the problem is not insoluble or even hopelessly difficult. To any acute thinker the problem gives no surprise ; for the rousing of sectional instincts is a necessary preliminary stage through which every national movement has to pass its early career. To my mind the communal reaction only accentuates the fact of the development of political instinct. It is probably because political rights and privileges have begun to loom large before the mind of even the common man in India that he has begun to take greater care of his religious and communal denomination. He finds in this denomination a much wider plane for the adjustment of his relations with other communities. Without meaning profanation or offence to any religiously minded man, I would say that the real beneficiary of his present much advertised religious movement is not his soul "vis-a-vis" salvation in the other world, but his desire to have more and better goods appertaining to this very worldly life.

In this manner only can I hope to account for the fact that the present political state of the country should seem to be overshadowed by communal squabbles and increasing communal bitterness. In saying this I may appear to be too cynical to some people. But I would make it clear that what I have said covers only one and the immediate aspect of the revival of communalism in this country. I am otherwise a believer in the possibility of religious missionaries who are absolutely disinterested in a worldly way in a communal strife and who honestly regard it a sacred duty to preach the truths of their own religion to people outside the pale of those religions.

Christian Community.

To be fair in the statement of the position I must say that there are at present three communities or religions who have been participating in the sectional contest or strife. Each of them, however, is in a distinct and peculiar predicament of its own and one must dive a little below the surface to assay the real quantity and quality of the contribution of each of them. We will first of all take the Christian Community in India. This designation covers both the Indo-British, the Anglo-Indian and the Indian Christian Communities. Of these the first can conveniently affect to separate their religious and political activity in this country, for the simple reason that the Indo-Britisher is indisputably the supreme political master in the country and Christian propagandism has very little of political fruit now left to be added to his table. He frankly bears the foundation, and continues to trust the maintenance of his political power on his military and industrial superiority. It must not be forgotten, however, that even so the European has provided for himself separate communal representation in the higher constituted bodies. And perhaps he wants nothing more personally because

he is merely a bird of passage with no deep-rooted personal interest in this country as a Christian.

As for the Anglo-Indian he is already more than adequately provided for in several Government departments and shares with the Indo-Britishers a kind of special prestige and protection even from the overwhelming Indian majority. He too, therefore seems to be not taking any interest in communal matters from a religious point of view. But as for the Indian Christian community, it must be said to their credit that they are showing the least sectarian or propagandist spirit though placed in a peculiar position. They might have asked for special representation or communal electorates, taking benefit of the prevailing communal madness. But they have not done this, and their spokesmen like my friends Mr. Baptista and Dr. Datta always give the first place in their hearts to a purely national sentiment, trusting absolutely to their own sterling worth, if any to secure to them the coveted place in the Pan.

Mahomedans.

The next community contributing to this communal contest is the Mahomedans. And their contribution is, in one sense, larger than that of any other community. Like the Hindus they occupy quite a subordinate place in this country, so far as real political power and authority are concerned. But unlike the Hindus they have connections and attachments outside India and what they lack in point of inspiration from their immediate Indian surroundings they can make up by halting and hallooing to their co-religionists in other lands, who enjoy a kind of quality with European Nations in point of international prestige or military power. It is obvious to any one that but for this extra-territorial attachment the Mahomedans in India would not have been a great political problem. Perhaps nine-tenths of the Mahomedan population in India is made up of converts from Hinduism and they would naturally live content with their Indian setting like the native Christian community if political leaven were not introduced in the community by over-recurring thoughts of what is being said and enacted by Mahomedan powers in other parts of the world. The position has been aggravated by the ever irrepressible propagandistic tendency of the Mahomedan religion. Their territorial conquests and religious propagandism have acted and reacted upon each other with a kind of affinity the like of which has not been seen in any other instance. They have advanced themselves into the position of the largest numerical minority in the country. And yet their ambition and aspiration are not strictly in proportion to their numerical strength. They put forward a transcending claim to representation, and when they ask for an "effective" representation it is coloured less by a numerical sense than a sense of political importance based not only on the fact of their having once been the Rulers of India but brought into relation with the prospects however visionary or fanciful of ruling India once more. This idea they do not of course put in a concrete form, for it offends the legal sense so far as the present Government is concerned and offends the national sense so far as the Hindus are concerned. The fact, they think, of a coherent continuous chain from Angora to Saharanpur of Mahomedan power and influence cannot be disputed. The further prolongation of the chain is of course immediately unthinkable but what is impossible if a man like Kamal Pasha was found to secure the freedom of Turkey from hostile European powers and when Afghanistan is so near at hand and may be ready and willing to cross over to accomplish the eternal purpose of Islam and to secure a proper foundation for this future construction? The Mahomedans have already begun to advance a claim for complete separation of every political interest all along the line in the body politic of India, so that the identity of the Moslem Raj may be effectively emphasised and its integrity rapidly developed.

Hindus

Then comes the Hindu community which also may be said to be contributing to the communal contests by its Sangathan and other movements; but in this matter the issue must be clearly understood. It is obvious that the Hindus as Hindus have not complicated the political situation by putting forward any communal claim to anything. The Sangathan has no directly political significance. I am cognizant, however, of the retort, that the Hindus have everything to gain and nothing to lose by general electorates and by the maintenance of the status quo in other matters. But there is also a counter-retort to this. In at least two provinces the Hindus are in a minority and at least in one province and one sub-province they are hopelessly condemned to an insignificant numerical position for ever. And yet in those provinces the Hindus did not put forward any communal claim at any time. The only position which the Hindus have taken and which, I think, they should never give up is that the Mahomedans cannot be allowed

to claim special representation in different Provinces according to a special rule for that Province. In other words they do not object to any rule of universal application which Mahomedans may choose to abide by. But they object and will object to "ad hoc" plans or rules, so that the Mahomedans may be enabled to say 'heads I win, tails you lose.' The application of any one universal rule would result naturally in hostages being given by both communities in different Provinces. In the Frontier Provinces, the Punjab, Bengal and Sindh the Mahomedans would be in a position of advantage. On the other hand the Hindus would be in a position of advantage in other Provinces. Does this not give a kind of automatic guarantee against the ill-treatment of any one community by another in any Province, assuming that the Hindu and Mahomedan communities are both animated by fellow-feeling for co-religionists?

Shuddhi and Sangathan.

From the above it will be seen that the contribution by the Hindus to the communal contest from the political point of view is the least of all the communities in India. Why, then, it may be asked, the Sangathan is a frankly communal movement? The answer to the question is that the movement though communal is both in point of religion and politics simply a defensive movement. It has only a negative character in that it seeks to prevent further losses to the Hindu community occurring by reason of the propagandistic activities of other religions. Hinduism has as much right to live as any other religion. One need not go into the question whether Hinduism was right or wrong in being, in the past, a passive, exclusive, non-proselytizing religion. Even now the most aggressive Hindu is not found to preach among his co-religionists that Hinduism should go forth and conquer those who have never been Hindus before. Unfortunately the idea seems to be too wild or even heretical to the typical or even to the average Hindu. He has not yet been reclaimed from that spirit of exclusiveness from foreign contact which led him to think that outside India there was nothing worth taking account of and that even within India the Hindu population that already existed was, as it were, numerically too big to be effectively good for its own welfare, that numerical plenty must be a cause of the degeneration of the social and religious ideal and that to shrink in the shell was the surer way to salvation and prosperity than to come out and advance. Even Shuddhi, he thinks to be an adventure and would hedge it round with innumerable limitation and would propound in connection with it mystifying cosndrams which would befog the average Hindu and react upon the typical Hindu. Even in the matter of prevention of future conversions he would make his own conditions and would rather lose the lower classes than give them even legitimate concessions. All this shows the narrow compass within which even the protective activities of the Hindu Community are being manifested, and yet there are men in this country who must accuse the Hindu of having started the cry of Hinduism in danger, and that the Hindus would be held responsible for spoiling the cause of national advance. I have always wondered that these critics have never given straight categorical reply to the categorical question, namely, why should the Hindus not stir themselves to seek organised unity among themselves of other religions in India are doing not only that but much more? Why should it be the responsibility of the Hindu alone to do nothing that would have even the most distant effect of disturbing the present complacent mood of Christians and Mahomedans who have been furiously nibbling not only at the fringe of Hinduism but daringly attacking at times even its heart and core. Will some body point out to me the least little breath of protest uttered by these wiseacres against the propagandistic activities of the Christian Missionaries and the Moslem Tablighists? Their warning against danger to national interest could be appreciated, if they were impartial in their condemnation of the disturbing communal activities of all communities alike. I really wonder why their wholesome advice should have been reserved only for the Hindu community and yet none of them, I believe, is really ignorant of the ravages that are being made in the ranks of the Hindu community from day to day and, I may say, almost from hour to hour. Bishop Whitehead openly claims that the toll which Christianity levies upon Hinduism comes to two thousand souls or heads, which—ever you may like to call it, every week. The real figure of conversions to Mahomedanism from week to week cannot be precisely estimated. But it must be evidently a good round figure. All possible means are being preached and practised for the benefit of Christian and Moslem aggrandisement among Hindus and it is an open secret that even the resources of Hindu States governed by Moslem Rulers are being used for this purpose. But whereas complaint is heard against the Shuddhi and Sangathan movements of the Hindus there is hardly an audible or even formal demur to the proselytizing propaganda of the non-Hindus.

Advice to Hindus.

But I would ask the Hindu community no longer to concern itself with the accusations brought against them in this matter by interested critics. The Hindus ought not to lose the continuity of their effort by the red-herring drawn across their path. They should have sense enough to see through the attempt to exploit their patriotism and national sentiment by people who have not themselves foreworn communal activity. The losses they have suffered in the past should now open their eyes to look at a future correct policy without the least blinking or hesitation. The Hindus cannot afford to lose their integrity even in the name of *Swarajya*. And in this respect history indicates the reasonable limits beyond which any religion or community cannot be called upon to make concessions. It is almost amusing that some people should affect to believe that Hindus have been guilty of a great crime in happening to be in a majority over other communities in Hindustan, that is to say, their own native country. If the other communities in India are in a minority here, have they not more than a *quid pro quo* or counter-balancing set-off in other countries? Are the Hindus to blame that these others are in a minority in India? And can any one seriously say that, if other things were allowed to be equal, the present numerical proportion between the different communities would disappear or even materially change for centuries? And in that case have not the minorities in India to accept their position in a reasonable spirit without fretting and foaming over the irremediable situation. As a Hindu I can say this, that the Hindu community in India will always be prepared to abide by any rational scheme or method of giving protection to the minorities in India, which can be devised from any working parallel in any other country where a similar position may have been or is in existence. I may mention the methods of proportional representation, preferential vote, limited vote, and second ballot etc. It is open to any one even to suggest another and a better method, if imaginable. But as a Hindu, I would refuse, with all the insistence at my command, to be penalized or sheared like a sheep for the fault of being a numerical majority in this country. Further, I would insist upon the right being conceded to the Hindu of not only preserving in fact their present numerical strength by every conceivable method, but also increasing it by the Shuddhi movement for the sake of recouping at least the immediate losses. I would go even further and say this to my Hindu brethren: "You have a right to be proud of your religion, as every body else and you have a right to aspire to spread it." There is nothing reprehensibly boastful in saying that the Hindus are the custodians, on this side of what is called the Aryan culture and they will consider it a proper mission to give non-Hindus the benefit of it, if, of course, they would have it. One thing, however, I will warn my community against and that is, some of the methods by which Christian or Muslim propagandists carry on their conversions. This opens up a subject on which, for the sake of my own mental peace, I would not further dilate. But I would unhesitatingly say to my Hindu Brethren: "let the Hindu religion or the Hindu community die rather than practise fraud or force or other notorious methods of conversion, which are tinged with melancholy meanness of mind in any form." Matters of religious faith deserve, more than any other matters, to be sacred ground which ought not to be polluted by the footfall of any interests or motives of a wordly character.

Difficulties.

In conclusion, I would point out that even those who strongly feel the need of the movement of Hindu organization do not, in many cases, realise the difficulties which beset their path. And what is worse, many of these difficulties are of their own making. The Hindu Society, we must all remember, cannot be well organised unless it has purged itself of its own inherent impurity and injustice. Hindu organization cannot be had merely for the asking, that is to say, expressing approval for it. Its exclusive spirit has put it within a narrow and a straight jacket and even within that jacket it has been torn to pieces by the operation of quite a number of disintegrating forces. The caste system has been pushed to a ridiculous extent and we have been taught to glory in the very meagreness of our social groups. This naturally leads to each group acting for itself and working for its own exclusive welfare. Even the depressed and untouchable classes, though themselves kept at arm's length by the upper classes, practise the same fault in their own case and behave towards each other as they themselves were a superior caste and the rest no where. Another line of cleavage runs along religious sectarianism which in the fury of its internal quarrels and dissensions completely oblivious to the common danger which threatens from without. The *Dwaiti* and the *Adwaiti*, the *Shankara* and the *Madhava*, the *Arya Samajist* and the *Sanatanist*, the *Shakta* and the *Shaivite*, must all now agree to bury their small differences and to put in the forefront the one idea that they have all to lose in common equally, if they do not present a united front

and join hands in organising the Hindu Society. They have stake in the country greater than any other community in India. In the recent troubles the Indian Mahomedans could at least think of such a thing as 'Hijrat,' though of course they could not practise it successfully. But where in the whole wide world, is there an inch of space which the poor, unbefriended and threatend Hindu can call his own, outside Hindusthan? Other communities have their whole bases of operations and world-wide lines of communication and flotillas of boats and transports which can replenish them in India at need. The Hindu Society, on the other hand, has long ago burnt its boats, cut off every possible line of communication with the world with its own hands, and has cooped itself up unwisely with a ditch around its-elf and foolish contrivance in which the valve shuts against itself but opens out for any hostile soldier, adventurer or camp-follower to safely come across and give the best account of the slightest capacity of mischief or harm which he may possess. The only hope therefore of this beleaguered community now lies in strong fortifying itself at all points of attack, make friends with all amongst itself and take good care of the blind, the lame and the diseased and to enthuse the whole garrison with the hope that it can save itself even now, if it makes up its mind, the hope being reinforced by the warning that it is doomed to destruction if it faints or falters for a moment. Hindus not only wish to attain political Swaraj in India, but they also wish to have their proper share of it, remaining Hindus. Like the late Lokamanya Tiak at Lucknow they should of course be prepared to make all reasonable concessions to the minorities in the country, but also like Lala Lajpatrai at Bombay, they must be prepared to declare that they will fight for Swaraj cheerfully along with Mahomedans and others, shoulder to shoulder but will carry on the struggle by themselves and without the others if the worst comes to the worst. Swaraj will not be worth having if we cannot purchase it with any price less than the loss of Hinduism itself.

All-India Muslim League

ALIGARH—30TH DECEMBER 1925.

The 17th Session of the All-India Muslim League opened at Aligarh on the 30th December, Sir Abdur Rahim presiding. The President-elect entered the Pandal in a procession. Among those present were Sir Mian Mahomed Shafi, Sir Ali Imam, Mr. Jinnah, Moulana Mahomed Ali, Moulana Shaukat Ali, Seth Yakub Hassain, Dr. Kitchlew, Seth Mohani, Mr. Asaf Ali, Mr. Ali Nabi, Mr. Tasadduq Ahmed Khan Sherwani, Dr. Abdur Rahim and Mr. Sorabji Rustamji of the South African Delegation.

Mr. Sheikh Abdullah, Chairman of the Reception Committee welcomed the League to Aligarh, the place of its birth.

Mr. JINNAH in inviting Sir Abdur Rahim to take the chair said that Sir Abdur Rahim became famous when he was first appointed Member of the Royal Commission by writing his note of dissent. He was an upright Judge on the Bench of Madras High Court. After that he transferred his activities to the bureaucratic camp where he was a power. As a member of the Bengal Executive Council he rendered them many services which did not see the light of the day. The situation in India, he declared, was more serious than he had known during his life time. He felt no doubt that under the able guidance of Sir Abdur Rahim and by the co-operation of all who had assembled there the League would achieve results which would not only benefit the community but India as a whole. They desired unity in India between the different communities and the first step to this desideratum was to bring about unity among themselves.

Presidential Address

In his lengthy presidential address Sir Abdur Rahim reviewed the position of Indian Mussalmans and made some practical suggestions for advancing their moral and material progress. He strongly defended the attitude of Mussalmans towards their co-religionists and criticised a section of Hindu politicians whose mischievous activities according to him were a serious challenge to Islam and a grave menace to the political status of Mussalmans. He supported the proposal for communal electorates not only for Mussalmans but also for Englishmen and advocated the formation of a solid Muslim Party in the Legislatures as an essential and foremost need of the situation and without which he feared the political ruin of the community would be brought about by their own men.

He suggested the appointment of a strong committee fully representative of different communities and interests to investigate the entire position in regard to the question of making Provincial Governments entirely responsible to the legislature and ascertain the opinions and desires of the people on as large a scale as possible in the different concrete political and administrative problems that might arise and then recommend a constitution which would meet

the requirements of the situation. He dwelt on the political importance of the Muslim League and deplored the attacks on Muslim community in the form of Suddhi, Sangathan and Hindu Mahasabha movements and activities led by politicians like Lala Lajpat Rai and Swami Shraddhanand. Some of the Hindu leaders had spoken publicly of driving out Muslims from India as Spaniards expelled Moors from Spain. Mussalmans would be a too big mouthful for their Hindu friends to swallow. Thanks to the artificial conditions under which they lived they had to admit that Hindus were in a position of great advantage and even the English had learnt to dread their venomous propaganda. Hindus were equally adept in the art of belittling in every way possible the best Mussalmans in public positions excepting only those who had subscribed to the Hindu political creed. They had in fact by their provocative and aggressive conduct made it clearer than ever to Muslims that the latter could not entrust their fate to Hindus and must adopt every possible measure of self-defence. Muslims must tell these politicians frankly and explicitly that their claim that India belonged solely to Hindus was preposterous and unfounded and was unjust to India itself.

Anyone who was at all acquainted with the history of the Muslim races throughout the world would never deny that they were the greatest patrons of human talent, energy and enterprise without any consideration of race, colour or creed. Politicians should realise that it would be impossible to establish Self-Government without Muslim help.

He criticised the Swaraj Party and its incongruous mixture and said that unless Swarajists made up their minds definitely to free their party from the influence of monopolists and capitalists it was not possible for them to act as a genuine People's Party. He defended the accusation against Mussalmans that their patriotism was not wholly confined to this country and said Mussalmans are proud of their international outlook and India would have been a happier country if she was not embarrassed by caste and untouchability. He sympathised with the gallant Rifis and brave Druses. The most disquieting news to him was the award of the League of Nations on Mosul question. The decision was pregnant with sinister possibilities affecting the relations between England and Turkey and he fervently hoped that matters would not be pushed beyond limits of friendly negotiations.

Referring to the Hindu-Muslim problems Sir Abdur Rahim declared that it would perhaps be years before a substantial fusion of the two peoples came about and probably it would be as a result of some general social upheaval. He instanced the position of Mussalmans in Bengal, their past glory and their present abject position and pleaded for reconstruction of the community. English and Bengali were substituted for Persian and Urdu and in one-generation Muslims were swept out of the administration. The motive was mainly political though it was supported on administrative grounds.

After dealing with the great value of Mussalmans to India he narrated his own experience in public positions and acknowledged without reserve that he had much to learn from his English colleagues at every stage of his career and he would have been a great loser if he had not the advantage of working with them. Most of the progressive measure were initiated by Englishmen themselves and he could not recall a single occasion when there was an agreement on any question among Indian members for a substantial fusion of the two of the Executive Council. Their opinion was disregarded.

If the Indian point of view had not prevailed on any question where it should have then it must be attributed more to the weakness of Indian members and Ministers than anything else.

As regards Indians in Government it was alleged that the system was such that an Indian majority in Government could not enforce their views. Even without any formal rules enunciating joint responsibility there was nothing to prevent all members of Government in any province acting together in enforcing their views if the Governor overruled any of them or all of them in any measure of importance. He emphasised the necessity that the Imperial Conference should be given a constitution in which India would have an honoured and equal place and he looked forward to the time when the League of Nations would become a greater League of Humanity. India, he said, was far off from the ideal of responsible Government in this essential respect that her electorate was not educated that it would be years before every man and woman would have a vote. Nor was it possible under present circumstances to have one common general electorate.

Subject to these limitations the present constitution should be modified for securing political and economic progress of the country unhampered. He also referred to the useful work of the Khilafat Committee and Tausim and pleaded for a common language and common name for Indian people. He had no objection for Hindi with this compromise that Mussalmans would use Arabic Script.

Proceedings and Resolutions

2ND DAY—31ST DECEMBER 1925

ROYAL COMMISSION

The second sitting of the All-India Muslim League commenced on the 31st morning, Sir Abdur Rahim presiding. The following resolution was moved by Sir Ali Imam :—

“Whereas the speedy attainment of full responsible Government is one of the declared objects of the League and it is now generally felt and recognised that the conception of Swaraj should be translated into the realm of practical Politics and whereas it is the declared policy of the British Government also to enable the people of India to take a decisive part in the moulding of their own destinies which is marked by the declaration of August 1917, and the enactment of 1919 which formed a definite epoch in the history of India, as a herald of the time when India will possess full autonomy and will rank as an equal with the Dominions and with the United Kingdom itself as a member of the British Commonwealth, the All-India Muslim League is of opinion that the present constitution of India must be amended and urges that for this purpose the Government should undertake the revision of the Government of India Act 1919 and without any delay appoint a Royal Commission to formulate after due enquiry and investigation a scheme so as to place the Indian constitution on a sound and permanent basis with provisions for automatic progress to establish full Responsible Government in India and thereby secure stability in the Government and the willing co-operation of the people, provided however, that for any scheme of the future constitution of India the All-India Muslim League reaffirms and unequivocally declares that the following basic and fundamental principles must be secured and guaranteed viz, (1) all legislatures of the country and other elected bodies shall be constituted on the definite principle of adequate and effective representation of minorities in every province without reducing the majority in any province to a minority or even to an equality (2) the representation of communal group shall be continued by means of separate electorates as at present provided that it shall be open to any community at any time to abandon its separate electorate in favour of

joint electorate (3) any territorial redistribution that might at any time be necessary shall not in any way affect the Muslim majority in the Punjab, Bengal and the North-West Frontier Provinces, (4) full religious liberty of belief, worship, observances, propaganda association and education shall be guaranteed to all communities, (5) no Bill or resolution or any part thereof shall be passed in any Legislature or in any other elected body if three-fourths of the members of any community in that particular body oppose such bill or resolution or part thereof on the ground that it would be injurious to the interests of that community, or in the alternative, such other method is devised as may be found feasible and practicable to deal with such cases."

In commanding the resolution to the League Sir ALI IMAM said that the present constitution was considered to be unsatisfactory because it did not give sufficient scope for proper expression of their political aspirations. Reforms were short in one thing that they had not in truth conferred upon the country self-Government. They wanted reforms which must secure Self-Government. The appointment of the Royal Commission should be declared as it would be legal step for the authorities in England to take. There should be no delay in the appointment of the Royal Commission as the wasting would only mean sheer loss of time.

It was in the interest of good Government that the people should not feel disappointed as regards the appointment of the Commission. Hope deferred would make the heart sick. If there was delay of this kind it might endanger the position in India as there was an idea for separation from British Empire. If their place was going to be of an equal partner in the Empire, then and then alone, they could be content. So much for the preamble of the resolution. As for the provinces obvious justice was contained in the provision for adequate and effective representation of minorities in the legislatures. Experience has shown how a sectarian majority could be of a wicked nature and a perpetual minority had always to bear from it in provinces where they had got a majority. That majority should in no way be reduced, but maintained. As to the representation of communal groups, he said that he had always felt a repugnance for separate electorates, the reasons being that no country could take long strides towards political advancement without joint action. He wished that the condition did not exist in India for separate electorates. The deplorable fact was that the country was so placed racially that it was incomprehensible to do without separate electorates. It was a necessary evil according to him so far as the principle of separate electorates was concerned. It favoured both the communities wherever they were in a minority. He hoped and trusted that all these little rivulets and streams would grow into an united river of Indian nationalism. In these circumstances they would not help resorting to this sort of scheme and that would ultimately lead to harmony after which they were hankering. The most strategic provinces were Bengal, the Punjab and the North West Frontier Province, the last being a province which though looked upon as backward province was going to play an important part in the history of India. It was a province of the greatest possible value to the whole of India. Behind all their beautiful and progressive scenes they had to consider as to who would keep the peace. In order to maintain the peace of the country it was essential that the frontiers must be protected from foreign aggression.

The Hon'ble Shakhbuda Aftab Ahmad Khan seconded the resolution.

MOHAMMED ALI'S AMENDMENT

Moulana MOHAMMED ALI moved an amendment to the resolution which ran as follows:—

"Whereas Swaraj is our birthright and the existing Government of India provides a constitution for India which falls far short of Swaraj and is extremely unsatisfactory, the All-India Muslim League calls upon the Government to invite a Round Table Conference of the representatives of all communities and political parties in India in terms of the demand made in February 1924 by the Legislative Assembly for the purpose of framing the constitution of Swaraj Government to be brought into force in the manner provided by the resolution of the Legislative Assembly passed in this behalf on that occasion. The League trusts that the constitution exacted in this manner would be based on the following principles for the protection of minorities: (1) that all communities shall have representation in all elected bodies as far as possible in proportion to their members; (2) that minority communities shall have their representation secured to them in every elected body by means of separate electorates, provided that it shall be open to a minority community in any elected body at any time to abandon its separate electorates in favour of joint electorates; (3) that no territorial redistribution shall affect the existing majority of any community in any province without its own consent; (4) that religious liberty, *i.e.* liberty of religious belief, worship, observance, association, propaganda and education shall be guaranteed to all communities; (5) that no Bill or resolution or any part thereof shall be passed in any legislative or any other elected body if three-fourths of the members of any community in that particular body oppose such Bill or resolution or part thereof on the ground that it would injuriously affect their community".

A m e n d m e n t R u l e d O u t .

The PRESIDENT ruled this amendment out of order as it was a substantive resolution in itself and it was not placed before the Subjects Committee.

Moulana MOHAMMED ALI then opposed the original resolution. He said that that resolution was full of short-comings. They should not demand a Royal Commission, but Hindus and Mussalmans should sit together and frame a constitution for India. He was of opinion that the existing majority of any community should be maintained and that the representation should be based on proportion to numbers of each community.

Mr. JINNAH supporting the resolution asked them to concentrate their minds on the realities and facts placed before them. He referred to the speech of Lord Birkenhead in which His Lordship had remarked that they were not the slaves of dates and that all political parties in India should first hold a Round Table Conference among themselves and then frame a constitution for India. The speaker maintained that if all the people of India were agreed on a constitution then no Government could resist the demand for Self-Government. He asked them to come to an agreement between themselves first. The only issue between the Government and the people was that the present constitution be revised and that a scheme be formulated for putting the constitution on a permanent basis with provisions for automatic progress.

The resolution was put to the vote and carried by an overwhelming majority.

R E F O R M S I N T H E F R O N T I E R

Mr. Abdul AZIZ of Peshawar next moved a resolution

Urging upon the Government the imperative need to give effect to the majority report of the Frontier Enquiry Committee without further delay and asked the members of the Central Legislature and the Punjab Legislative Council to make efforts and press the Government to carry out the recommendations of the Frontier Enquiry Committee.

He went into the history of the question and asserted that the Chief Commissioner's plea in reply to the Muslim Deputation on the ground that

the Hindus were opposed to the extension of Reforms to the province was untenable.

Sir Ali IMAM in seconding the motion said that it was their duty to serve the province to their utmost. The geographical position of the province being such as it was, if the Reforms were not extended, it might create difficulties for the future self-governing India and progressive Afghanistan. It was necessary, therefore, he held that in the interest of defence of India the North-Western Frontier Provinces must be allowed to develop itself. This would create a feeling of affection in the hands of the frontier people for the rest of India. It would be a political blunder not to extend to them the Reforms which they demanded.

Maulana MOHAMMED Ali supporting the resolution said that their demand was just. He was surprised at the attitude of Sir Denis Bray who held one view as the President of the Frontier Enquiry Committee and quite another in the Council of State—representing the Government.

After further discussion the resolution was unanimously adopted.

3RD DAY—1ST JANUARY 1926

At the last meeting of the League on the 1st January the following resolutions were passed.

REFORMS AND CO-OPERATION

Mr. JINNAH moved a resolution that although in the opinion of the League the present constitution was unsatisfactory the Muslim representatives in the various legislatures should utilise the Reforms as far as they went and in view of the appeal of Lord Birkenhead and Lord Reading should show a spirit of co-operation in all measures calculated to advance the welfare of the people of India pending enquiry and investigation by Royal Commission whose appointment the League had already urged.

In a learned speech he said that he wanted the League to express its opinion on this question. He was not prepared to ask the Muslims to resort to civil disobedience. He urged upon them to show a spirit of co-operation in the measures which would benefit the people of India.

Mr. Asaf Ali seconded the resolution. The motion was put to the vote and carried.

IRAQ AND MOSUL

In another resolution which was unanimously adopted the League emphatically declared that Iraq was a part of the Jazirat-ul-Arab and as such should not be left under non-Muslim control of the British as the mandatory power and that the Muslim League protested against the recent decision of the Council of the League of Nations which offered to the British an extension of their mandate over Iraq for 25 years. The Muslim League further protested against the Mosul decision of the Council of the League of Nations as a glaring injustice to Turkey and hoped that Britain would recognise the right of Turkey to the Mosul Vilayet and settle the question by peaceful negotiation. In the event of war breaking out the League considered that the feelings of the Mussalmans of India were calculated to be inflamed beyond control throughout the country and might prove a great and serious disaster.

A resolution moved by Dr. Ziauddin AHMAD to the effect that while it was necessary to fix a suitable standard of educational qualification for the different Services and appointments the League was of opinion that it was extremely undesirable in the best interests of the people to place undue emphasis on the principle of competitive examinations at the expense of other considerations having an important bearing on the needs of an administration was adopted.

THE ASIATIC BILL

Before the resolution on the South African question was moved Dr. ABDUR RAHMAN of the South African Deputation was given the opportunity of explaining the position of Indians in South Africa. The speaker said that for the last twenty years the Indians in South Africa had their grievances and no relief was offered to them. Their rights were curtailed and their privileges abridged to such an extent that life to the Indians there had become intolerable. He then referred to the Areas Reservation Immigration and Registration Bill and pointed out the disabilities to which they would be subjected under it. They would not be permitted to trade, to live outside certain areas, to purchase property outside those areas and to take charge of a machine. They could not sit in the Parliament and had no political or municipal franchise. He was dissatisfied with the reply which the Viceroy gave to the Deputation. He considered the Bill not only a stigma, but an insult to the intelligence of India. If their demand for a Round Table Conference to bring about a settlement of the question was not acceded to by the Union Government, they would resort to passive resistance and it was going to be a fight of East against West.

The following resolution was moved by Mr. Asaf Ali and adopted unanimously:—

"The All-India Muslim League whole-heartedly supports the Indian settlers of South Africa in their just and honourable struggle against the consolidated forces which threaten their very existence and extends its most cordial welcome to the South African Indian Deputation now in India. The League views with the greatest apprehension and enters its emphatic protest against the Areas Reservation and Immigration and Registration (further provision) Bill which the Government of the Union of South Africa proposes to pass during the next session of the Union Parliament. The League further urges upon the Government of India to make a strong representation to the Union Government and secure a Round Table Conference before any further action is taken by the latter in respect of the proposed Bill, and should this reasonable proposal be declined and the Bill forced through the Union Parliament the Muslim League appeals to the Imperial Government to withhold its assent and disallow the measure."

Among other resolutions passed by the League was one related to the appointment of a Committee to frame a scheme for constitutional advance to be placed before the Royal Commission when appointed.

The other resolution dealt with the deplorable bitterness of feeling existing between the Hindus and Mussalmans in different parts of the country and the constitution of conciliatory boards consisting of representatives of all communities with a Central Board in the Capital of each province to settle all matters likely to create communal differences and to deal with all cases of conflict and enquire into the acts of aggression on the part of any particular community.

The next resolution protested against the Government attempt at the colonisation of Moplah prisoners in the Andamans and urged upon the Government to set free the Moplah prisoners convicted during the Moplah Revolt of 1921.

Another resolution supporting the Mussalmans of Behar and Orissa in their demand for option to present their pleadings in the courts in that province in the Urdu script and in their demand for extension of the system of separate electorates to all local bodies in that province was passed.

A resolution urging upon the Government the necessity of allotting two seats to the Delhi province in the Assembly, one of which should be reserved for the Mussalmans and one seat to it in the Council of State was adopted unanimously.

Sheikh Abdul Majid moved a resolution to the effect that Sindh should be separated from the Bombay Presidency. The resolution was carried with a vote of thanks to the chair. *The League then came to an end.*

All-India Volunteers' Conference

CAWNPUR—25TH DECEMBER 1925.

Mr. T. C. GOSWAMI, Swarajist M.L.A. of Bengal, presided over the Third All-India Volunteer's Conference which opened its session at Cawnpur on the 25th December 1925. Hon'ble Mr. V. J. Patel, Mrs. Naidu, Pandit Motilal, Maulana Shaukat Ali and Lala Lajpat Rai were among those present.

In opening the proceedings Maulana Shaukat Ali, the outgoing President, said the people had hitherto treated the volunteer organization as a joke. He felt, however, that they could never attain freedom without making the volunteer organization strong in the real sense. His duty to the country and to religion demanded that the British be turned out, but this could not be done so long as they were not organized and fought shoulder to shoulder. There was too much vain talk in the country now-a-days. He was distressed particularly to find how they were again falling into the hands of the British and instanced the programmes arranged for the Aligarh Jubilee celebration where a wrestler from Poland was being invited to meet a Punjabi wrestler.

Mr. PALIWAL, Chairman of the Reception Committee, emphasised that without a disciplined army of volunteers they could not win Swaraj and that even if Swaraj was won without such an organisation, it could not be maintained, because to keep Swaraj secure was even more difficult than to attain it.

Presidential Address

Mr. GOSWAMI began his presidential address by reading the message of the Congress President, Mrs. Naidu, which, he said, condensed the cardinal principle of the volunteer movement. The message ran:

"I should like to have a general conscription of the young generation to discipline it for national service. I believe that the volunteer organisation all over the country, trained to obedience, promptness, co-operation and self-sacrifice, would go far towards building up the foundation of national character a thousand times better than academic moral precepts and maxims."

The Cardinal Principle.

"In this short message is condensed the cardinal principles of the volunteer movement for which I offer my humble services and in which I earnestly invite the co-operation of all sons and daughters of India who wish their country well. I am sincerely thankful for the honour that has been done to me and I prize highly the distinction of being called upon to succeed such a well-known patriot as Maulana Shaukat Ali. He is conspicuous in more senses than one. Apart from his great position in the public life of India he has endeared himself to all sections of the people by his sincerity, by a complete absence of ill-will, by his wide tolerance and by a sweetness of temper which is such a power of good in all public activities and which is so indispensable in the volunteer movement. I appeal to him for his continued support and I know, and you all know, that my appeal will not be in vain. I invoke the blessings of other distinguished leaders of

our country—those who are not here to-day as well as those who have shown their interest and sympathy by their presence amongst us. This infant movement needs a good deal of sympathy and support and your President is only too conscious that he needs active help and guidance from those who are better equipped for leadership by wisdom, experience and service.

Record of past two years.

"It is now two years since the Hindustani Sevalal was formed at Coconada under the Presidentship of the best known and best loved young man of India, Pandit Jawaharlal Nehru (Applause), who with his characteristic modesty described himself as a mere soldier, a private called upon to lead a great venture as he put it, full of promise of high endeavour and noble achievement. We all know however that no better choice could have been made. There have been volunteers of various kinds, even volunteer organisations for a long time, not only in connection with the Indian National Congress but also in alliance with provincial and local activities. But Dr. Hardikar is the creator of a nucleus of an All-India Volunteer Organisation. To him and his province of Karnatak belongs the credit of a great beginning which it must be the endeavour of us all to magnify into a great achievement. The Karnatak volunteers proved the quality and strength of their organisation, their discipline and training at Belgaum last year, and besides drill and parade in which they exhibited smartness and martial bearing, they earned the gratitude of the delegates and visitors to the Congress by the constant and ungrudging readiness to assist and direct by their efficient regulation of traffic and by their entry work. They combined courtesy with efficiency. They were soldiers in the truest sense.

Value of Discipline.

"Our soldiers shall not be mere machines. But they must be most perfect examples of discipline. Discipline is not essentially a matter either of brute force or precepts and dissertations. It is primarily a matter of "esprit de corps." Ideas of unity and duty must be conscious ideas in every soldier and even obedience must be an intellectual process. Every man who strikes out a new line apart from his fellows in the name of conscience, is not true either to himself or to his fellow men, nor is the man a slave who has learnt to obey. There is often more merit in obedience than in self-assertion. It is a part of a true soldier's training to distinguish between judgment and conscience. In joining an association the volunteer not only enters an organised body, but also undertakes to serve a cause which he believes to be righteous.

The Imperialistic Idea.

"The militarist idea is different. The invader and the Imperialist have no better conception of soldiery than as the hired assassin's trade. The conception of a soldier as a licensed destroyer of life and property, is a very old one in history. But there have also been, from remote antiquity, other kinds of soldiers, whose weapons were not made of steel, whose power was not the power of gun powder. The power that is engendered by the consciousness of right and the will to serve is more potent than all the ammunition of mercenary hordes.

"When the English poet spoke of a soldier's duty.—"Thine not to reason why, thine but to do and die." I feel he was slightly censorious, perhaps slightly sarcastic. But even this little couplet may embody a great idea. For while soldiers of Imperialism are deliberately trained in dispensing with reasoning and individually so that they may be freely employed for plunder, for destruction of the sanctuaries of faith and learning, for

desirable that there should be no doubts of our sincerity in this matter; and I hope therefore that there will be no delay in provisionally selecting at least one area for Indian settlement.' An area of land in the lowlands was thus to be immediately set aside for Indians only as an earnest of the Government's determination to carry out the policy of democratizing the country between Indian and European on a fair basis. The first area of which the selection was to be provisional, being subject to approval by a representative of the Government of India, and which was to be followed by other areas being similarly set apart, became in the Kenya White Paper of July 1923 only a 'temporary' reservation, with a view to testing the strength of demand for agricultural land on the part of Indians who will give suitable guarantees of their intention to develop the land themselves. After the expiration of a limited period, the reservation of this area in the lowlands will be reconsidered in the light of the experience so gained.' The consideration of adequate land being reserved for Indians has so far receded into the background at present that in his speech of January 20, 1925, the Viceroy did not even mention the point that the land that had been offered to Indian settlers would be examined from the aspect of its adequacy as well as suitability. He only mentioned suitability. But even assuming that this was an inadvertent omission on his part, the idea of a 'temporary' reservation being made for Indians that is now put forward was not contemplated by Viscount Milner. Guarantees have now been asked of the would be Indian settlers that they would develop the land to a requisite extent within a certain period. This is of course not only fair but quite essential on grounds of public policy, but since equality as between Indians and Europeans is the governing condition of the policy of race segregation and as formulated by Lord Milner, a query may be made as to what guarantees were required and obtained from Europeans when land in the highlands was reserved for them, and as to how the strength of their demand for agricultural land was tested. The public in India have not yet heard of any small area in the highlands being provisionally set apart at first for the whites with stringent conditions of development and substantial guarantees exacted from applicants for land, before all the land in the highlands which was not in native occupation (30,000 sq. miles) was finally and absolutely reserved for them. It is notorious that in the early period of European settlement huge blocks of land were alienated to land concessionaires on the easiest imaginable terms, with no obligation to turn any part of the land to account, and despite all the conditions of development since enforced the number of individual occupiers even now does not exceed 1,715, and the percentage of cultivated to occupied areas is below 7. It may perhaps be urged in defence of this ridiculously low percentage of cultivated land that a part of the land alienated is used for pastoral purposes; but, without elaborating the refutation any further, it may be simply said in answer here that most of the land thus used for pastoral purposes is well fitted for agriculture too and that there could be no moral justification for excluding the natives from this area, even on the theory on which they have been robbed of their agricultural land because, whatever may be their deficiencies as agriculturists, native tribes like the Maasi are good pastoralists. The point of the here advanced is only this that if equality between different races is to be the ruling policy in respect of grants of land in Kenya, as it surely

was in Lord Milner's mind, it has now undergone a drastic modification, since conditions are being attached to the proposed reservation of land in the lowlands for Indians from which the whites were exempt when the highlands were reserved for them. The condition pre-requisites to the institution of race segregation (which was laid down by Lord Milner) being thus flagrantly violated, this policy of marking off some districts as those in which the whites alone can hold land and some others as those in which Indians alone can hold it, must be abandoned.

Material deviations from the policy mapped out by Lord Milner have, as set forth above, been made, but it is physically impossible faithfully to carry this policy into practice. At present land is not available in the lowlands for alienation to Indians which can at all be compared either in quality or in extent to the land in the white highlands. A competent authority on Kenya states, Dr. Norman Leys says: 'We may take it that all the land of any value in the Colony that is 'not in native occupations is already alienated'—that is, to Europeans, and similar testimony from other sources can be multiplied to any extent. But even allowing for any possible exaggeration in this compendious statement, it is clear that if, in compensation for the reservation of the highlands for the whites, land of equally good quality and proportionally large extent has to be earmarked for Indians in the lowlands, such land is certainly not available which can be regarded by Indians as anything like an equivalent for the loss they have sustained by their exclusion from the highlands. The offer made by his Majesty's Government is in the best of conditions and ignoring the departure contemplated in Lord Milner's principle of equality of opportunity for all races, unacceptable to Indians. In the form it has now taken it is altogether unsubstantial and must prove wholly unattractive to Indian settlers in Kenya, even if the consideration of material advantage alone weighed with them, and they were wholly regardless of the deep moral issues involved in the policy of race segregation. Their material gain by the acceptance of the offer will be very little but their moral loss will be enormous.

Welfare of the Indigenous People.

The policy of reserving land in Kenya for any of the immigrant communities must be considered, primarily if not solely, from the point of view of the welfare of the indigenous people of the country. This is indeed the principle by which his Majesty's Government professes its policy embodied in the White Paper of 1923 to be governed, but nothing can demonstrate the hollowness of this pretension more effectually than the continued reservation of land in the highlands for the white population. The land already owned by Europeans in the highlands, which measures some 10,000 sq. miles, embraces more than half of the best and most desirable land in the colony, and, in spite of the protestation by his Majesty's Government that nature has closed the lowlands to the whites, a very large proportion of the lands in the lowlands has passed into their hands, while the arable land allotted to the natives is estimated to be no more than 5000 sq. miles. Even twenty years after the reservation of the highlands for the whites the number of European occupiers, as mentioned before, is less than 2000, while nearly 3½ million natives, the rightful owners of the soil, have for themselves less than half of the area in the possession of 2000 Europeans. The proportion of this area to the area of land reserved for the whites is of course very much smaller. This basic wrong of the expropriation of the natives' land has led in its turn

to a system of forced labour. The system of direct forced labour has now been abolished but that of indirect forced labour through heavy taxation has been substituted in its place. Such exercises of illegitimate economic and administrative pressure can never be done away with till the whole system of landholding radically altered. On the contrary the exploitation of the natives which has already assumed gigantic proportions will be on the increase as, on account of the reservation of the highlands for Europeans who do no manual work even in this region of temperate climate, a larger proportion of the land comes to be developed by them by means of black labour, whereas if some part of the land were granted to others who do not depend upon native labour the process of turning the natives who were formerly independent cultivators into wage-earners on Europeans' farms would be arrested. It is the opinion of those who can pronounce authoritatively on the subject that the land allotted to the natives is already insufficient in the case of some tribes and certainly does not admit of enough room for the growth of population in the case of most of them. If his Majesty's Government has so scandalously violated its solemn pledge to regard the well-being of the natives as its first concern, Indians on their part must at any rate refrain from agreeing to any proposals which, if carried out, would add to the victimisation of the native races. They, therefore, cannot be consenting parties to the project of closing in upon the natives in the lowlands when the native races have already been turned out of a very large proportion of the best land in the whole country. The undoing of the white highlands policy is only the first step in the process of the development of the natives as producers on their own account. It must be followed by a legal prohibition, as suggested by the late Bishop Weston, (in an article entitled 'The East African problems' in the *Empire Review* of October 1924), of the settlement of an immigrant, of whatever race, in a district where the labour required for the exploitation of the area is not locally available.

An Ill-Founded Claim

It is claimed on behalf of his Majesty's Government that the governing principles of its Kenya policy are in the substance identical with the terms of the mandate article in the Covenant of the League of Nations, but it is easy to show that this claim is ill-founded. Regarded from the aspect of the natives, the white highlands policy is contrary to article 23 of the Covenant in as much as it excludes the natives from this area, but viewed from the aspect of immigrant races also, this policy must be held to be in conflict with the underlying principle of the mandate theory. For one of the principal obligations imposed upon a mandatory country is to the effect that in its dealings its own nationals shall have no privileges which are not open to the nationals of other countries, and if this test of equality of opportunity for all nations is applied to the system under which the land most sought after in Kenya is reserved to one race, it will be found that the terms of the mandates under which countries won from enemy nations are administered, are violated in vital particulars. Article 7, for example, of the mandate for Tanganyika runs thus: The mandatory shall secure to all nationals of state members of the League of Nations the same rights as are enjoyed in the territory by his own nationals in respect to entry into and residence in the territory, protection afforded to their own person and property, the acquisition of property, moveable or immovable,

and the exercise of their profession or trade, subject only to the requirements of public order and on condition of compliance with the local law.' The Convention revising the General Act of Berlin, 1885, and the General Act and Declaration of Brussels, 1890, has this: 'Each state reserves the right to dispose freely of its property and to grant concessions for the development of the natural resources of the territory, but no regulations on these matters shall admit of any differential treatment between the nationals of the signatory powers and of states, members of the League of Nations, which may adhere to the present Convention.' A differential treatment in the matter of grants of land such as is in force in Kenya is not permitted in Tanganyika, even in districts supposed to be suited for white colonization, and the injustice of this system is not lessened by the fact that in Kenya differentiation is observed not so much between nationals of different states as between subjects of the same state but belonging to different races. The basis of unselfishness, on which alone modern conscience can defend the rule of one race over another, is thus wholly lacking in the administration of Kenya, which is being conducted, as the reservation of the highlands for the white peoples proves, openly with the object of profiting the ruling race. The system of naked favouritism that is in force in Kenya is now sought to be disguised as one of fair play by the offer of forming an Indian reserve which, without surrendering anything of value and without substantially mitigating the justice, will, if accepted, only enable his Majesty's Government to pose as holding the scales even between immigrant races. Indians can only treat such an offer as an unworthy bribe and reject it with scorn.

Indians' Demand

What Indians desire is not that they should be given some exclusive privileges as the Europeans are given, but simply that no discrimination should be made in their disfavour. The claim for equality with other races cannot, therefore, be met by according preferential treatment to them as against Europeans and Africans in the same way in which preferential treatment is given to Europeans as against Indians and Africans. Two wrongs do not make a right and a preference in two contrary directions does not establish equality. The Indian demand can be satisfied only by cancelling the reservation of the highlands for the whites and leaving the whites, Indians and above all the Africans free to take up land in this area as in all other non-native areas. It may be that there is little chance of this being secured, as Sir B. N. Sarma warns us, but Indians would still prefer to go without any reservation in the lowlands and to lay the atrocious injustice of the white highlands policy on the conscience of the British people. Indeed there is no semblance of a justification for forming an Indian reserve. The justification of native reserves is of course complete, in view of the intrusion of other races into Africa. Indians have no complaint against the policy except that sufficient land is not included in the reserves and that it is not inviolably secured to them against the encroachment of other races. A specious plea could also be advanced in favour of a reservation for Europeans, if the view currently held by the white settlers were accepted that the aim of his Majesty's Government in Kenya should be the promotion of European civilization, which is assumed to be identical with Christian civilization. If this were the aim, it would be legitimate to preserve the integrity of the life and civilization of Europeans against the disturbing

influences of an unwholesome contact with other races. But Indians do not claim a superiority for their own civilisation, and at any rate they have no ambition of imposing it upon other races by such artificial means. The reservation of a region for them is therefore entirely indefensible. If only they are permitted to compete, they should be able to do so successfully with Europeans in acquiring land, and if they cannot hold their own in open competition, they do not deserve any special privileges. Public opinion in India is decidedly against the acceptance of any such privileges. All it desires is that Indians should not be discriminated against. This is not the first occasion on which the question of making a reserve for Indians is being publicly canvassed. When it arose in connection with a certain proposal in respect of Tanganyika, the Government of India, conformably to Indian public opinion, which expressed itself very forcibly on the occasion, took up the same attitude as Indians wish it to take up now. Its position then was: 'We have opposed, and will continue to oppose, unfair discrimination against our nationals overseas. We desire no discrimination in their favour. We ask for no more than equal rights. We can be satisfied with nothing less.' (p. 6, Cmd. 13.2). The very fact that the Government of India is contemplating the sending of an officer to Kenya for the purpose of inspecting the area proposed for an Indian reserve exposes the Government to a presumption that it has changed its policy. But though the Government of India may change, the people of India remain constant in their opposition to such projects of reservation. They can but urge the Government to persevere in its former policy, which is the only sound policy, and if it should fail in this, its failure at this critical juncture would be all the more deplorable after a sturdy advocacy of the cause of Indians overseas which lay to its credit.

The National Liberal Federation's Kenya Memorandum was followed soon after by that of the Imperial Citizenship Association. The latter follows the same line as the former and being prepared by Mr. Andrews who knows the question from A to Z will be regarded as authoritative throughout India. The Memorandum, which was submitted to the Viceroy, points out how the allocation of lands of a lower quality in the lowlands for Indians can be no compensation at all for the loss of rights, hitherto enjoyed by the Indians in Kenya, of purchase and sale of lands in the highlands, and how the deputation of an officer of the Government of India to examine the land in the lowlands proposed to be set apart for Indians will be tantamount to acquiescing in the expropriation of Indians' land in the highlands.

The splendid start given by these two Memoranda was followed up in England by Dr. Norman Leys, the greatest authority on Kenya, who expressing approval of these two Memoranda said that about the land proposed for Indian occupation 96 per cent of the land between the Highlands and the sea is useless for human habitation until means are found for using

hypothetical supplies of water far below the surface for irrigation. The two rivers could not irrigate a hundred square miles even. He briefly characterised the offer as a brass-faced humbug. Mr. Loya added that the official life factory in Nairobi was the finest in the world. No war propaganda approached it.

The following is the full text of the Imperial Citizenship Association's Memorandum :—

The Imperial Citizenship Association's Memorandum.

"The following minute is written on the question of the advisability or not of sending an official of the Indian Government to Kenya for the purpose of inspecting certain territories in the Lowlands, for Indian settlement. In the Kenya White Paper it was suggested that a grant of Crown lands might be given to Indians in the Lowlands corresponding to the grant of Crown lands already made to the Europeans in the Highlands, and as a compensation to the Indians for the racial discrimination in the past in that region in favour of the White settlers.

"The present proposal of the Government of India to send an official to Kenya to find out a suitable area in the Lowlands for Indian settlement, appears to me to be an entirely wrong step, taken in the wrong direction. It will lead to consequences which will seriously damage the whole Indian cause and do harm to the moral character of India in the eyes of the civilised world.

"The proposal has evidently emanated from the India Office in closest conjunction with the Colonial Office. It is a scarcely veiled attempt to lull the Indian people into an acceptance of the settlement outlined in the White Paper.

"I intend first to deal with the subject from the point of view of the discussion in London in 1933. At that time, I was appointed adviser to the Indian Delegation which went from Kenya Colony to England. It was at the unanimous request of the whole delegation that I was appointed their adviser; and throughout the discussion I was in closest touch with them and came to common conclusions with them on practically every point that we put forward. With regard to the Kenya Highlands, from first to last there was complete unanimity of opinion, in London, not merely between the members of the Kenya Indian Delegation and myself, as their adviser, but also between them and the deputation from India, headed by the Rt. Hon'ble Srinivasa Sastri. We all determined that, on no account whatever, was the claim to the free and open transfer and purchase of land in the Highlands, which was the legal right of the Indians in the Colony, to be abandoned. The question of some compensating area in the Lowlands came up again and again, but it was always rejected immediately by every member of both the delegations. We pointed out that it did not touch the real question at issue and that there was no room for any compensation of such a character.

The Right to Buy and Sell.

"We further pointed out, that our whole contention was, not that we should be allowed Crown lands of Native territory anywhere, whether in Highlands or in Lowlands, but that we should be allowed the simplest human rights of citizenship namely, to purchase land and to sell land in the Colony. We did not ask for a single acre of free land. On the contrary, the position taken up by us from the very first was this that the grant of Crown lands,

given with such a lavish hand to the White settlers, was an initial injustice, which would have to be undone sooner or later in the interests of the natives themselves. Therefore, while expressing strongly our own view, that the grant of Crown land to the White settlers had been a wrong done to the natives, we obviously neither could nor would request the Government to offer similar grants of Crown land to the Indians; for if the confiscation of 10,000 sq. miles of territory from the natives was an initial blunder, leading to serious mischief, it is obvious that the confiscation of another 10,000 sq. miles from the natives in order to give it to the Indians, would be a still more serious evil. Therefore, it was logically impossible for us to claim any compensating grant of Crown lands, and we did nothing of the kind.

"What we did was this. We asked that the legal right of buying and selling land should be allowed to Indians in Kenya in just the same way as to other people, wherever and whenever it came into the open market. If the Europeans refused to sell their lands in the Highlands to Indians, we had no complaint to make; but if a European wished to sell his land to an Indian and Government stepped in the way and said that he should not be allowed to do so, then we claimed that our rights as citizens were being taken away. To give one example. Just before we sailed for England on deputation a large area of land, which was just outside the limits of the Highlands, was offered for sale and an Indian merchant was ready to pay six times the price that any European was ready to pay. The European owner would get sixty thousand rupees, if he sold it to the Indian; but he would get ten thousand rupees, if he sold it to the highest European bidder. He wanted to sell it to the Indian; but the Government refused to allow the sale. The European, brought an action in the Law courts against the Government for damages, urging that the Government had no right to prevent the sale. The Court, however, decided that the Government was justified, because the purchaser was an Indian. This example will show quite clearly what the Indians themselves were asking with regard to the Highlands. They were not asking for any grant of Crown lands. They were simply asking for the right to what is called "open sales and open transfers." If this were allowed, they would be satisfied; and they would never ask in addition for compensation for any further injustice in this matter that might have been done to them in the past by the original grant of Crown lands to the Europeans in the Highlands. They believed, that, if once this question of open sales and open transfers were settled in their favour, then they themselves and the natives, as they gradually got more education, would be able to buy back at some future time much of the territory which had been so ruinously confiscated from the natives by Government in the earlier days. But without this right of purchase, these vast territories would remain in European hands, whether the White settlers occupied them or not. Even at present, 20 years after the alienation of these Crown lands, only seven per cent of the whole area is under cultivation. The rest is lying for the most part idle and wasted.

"Then, from the very first, the Indian deputation took the African natives' point of view and pressed the question of native interests in Kenya. It was felt that only as the natives of Kenya prospered, the Indian position more and more unassailable. In every word that was said and in everything that was written to the papers with the unanimous approval of both the deputation, the interest of the natives was put forward

as the first concern and it was stated that the Indians who came to Kenya had no wish whatever to interfere with native rights and interests.

A Fatal Compromise

"This, then, was the position taken up quite consistently by everyone who was engaged on deputation work from the Indian side in London, in 1933. When later, in spite of all that had been said in London, and in spite of the clearest possible declaration being given, that Indians did not wish for any compensating grant of crown lands in any other part of Kenya, but only wished for the legal right of sale and transfer,—when in spite of all this, the Colonial Office issued their White paper making a tentative offer of an area in the Lowlands to be specially set apart for Indians, the leaders of both the Indian deputations protested strongly against this part of the White Paper decision and declared that they did not wish to have anything to do with it. They pointed out that it would be a misuse of power to grant such a new area of territory to Indians, since it would be necessarily confiscated from the natives. Furthermore, it would not in any way satisfy that Indian claim, because that claim had never been that the Indians might receive a compensating area of territory, but that they must be given back their legal right of purchase and transfer of land.

"It needs to be mentioned that there has always been in the background a minority both in India and in Kenya, among the Indians, who have somewhat hesitated about accepting the full implications of what may be called the "pro-native policy in Kenya." For instance, just before I first went out to East Africa the East African Indian National Congress had passed, on the suggestion of Sir Theodore Morison of the India Office, an imperialistic resolution asking for Tanganyika to be handed over to India as a "mandate" after the war. But when I had fully explained at Nairobi, that no responsible Indian leader of the first rank had taken up this suggestion of Sir Theodore Morison, and that Mahatma Gandhi himself was opposed to it, and further that I personally regarded it as a policy that would inevitably lead to an Indian imperialism no less selfish than British imperialism had often been, then the Indian leaders in Nairobi withdrew this resolution telling me that they had not really thought out the matter. Again, to-day I find that in spite of the fact that in London, in 1933, the whole suggestion of a compensating area being given in the Lowlands to Indian settlers was rejected, there is a tendency here and there among certain Indians in East Africa not to reject it, but to accept it. There is a kind of feeling that possibly some capital may be made out of the proposal and that it is not very objectionable after all. Therefore I am fully aware that some would actually favour the Government of India's proposal to send out an official to inspect the territory to be offered to India in the Lowlands. But I think it can be said without hesitation, that the foremost Indian leaders are still wholly against the proposal and feel that it would be a fatal compromise, such as would put the Indian claim for equal justice among the natives on an entirely wrong basis. Among these foremost leaders I would mention the Rt. Hon. Srinivasa Sastri and Mahatma Gandhi.

Implications of Accepting the Proposal

"Let me in conclusion argue out the case a little from the Indian point of view:—

- (1) To accept a large slice of territory exclusively for Indians in the

Lowlands would be a definite and formal renunciation of the Indian claim in the Highlands.

(3) The policy of accepting territory in the Lowlands would certainly involve a weakening of the present Indian friendly relations with the African natives. Indians are living in Kenya to-day on terms of friendship with the natives and not on terms of hostility. But to take this large slice of territory from the natives would inevitably lead to hostility growing up between the Indians and the natives.

(3) The policy of accepting land in the Lowlands would mean the beginning of an imperialism which would be unlike any form of Indian emigration in the past. It would not mean the occupation by Indians as colonists, of lands that were entirely useless and never likely to be occupied by the natives of the country; because it has been proved by competent authorities that the area of good agricultural land in Kenya is exceedingly small, and that there is hardly sufficiently even now for the expansion of the native races. It would mean a definite expropriation of the natives and as such would be an endless source of mischief, aggravating an evil situation.

(4) To accept territory in the Lowlands would be a reversal of the whole Indian claim; for, as I have shown, in 1923, the Indian deputation definitely rejected such a suggestion and equally definitely declared that their only wish was to recover the legal right of open sales and transfers of land anywhere in Kenya Colony. This position, which was taken up by us all formally in 1923, would obviously be thrown on one side; and it could never be taken up again if once the compromise had been made.

"These, then, are some of the main reasons why such a false step should not be taken by the Indian Government with the consent of the Indian people. The essentially moral character of Indian citizenship is at stake. Indian leaders to-day are speaking as strongly as possible against the evil spirit of Western imperialism, which has been so crushing to themselves in India and also in other Eastern countries. They assert that this form of forcible subjection and dispossession of other people from their own territory by a foreign power is wrong in principle and must not be carried out any further, but rather be undone".

H. E. the Viceroy on Indians Abroad

In opening the Winter Session of the Indian Legislature at Delhi on January 20, 1925, H. E. the Viceroy made reference to the position of Indians Overseas which evoked an all-round protest throughout the length and breadth of India. For those references, which are full of the usual platitudes and noncommittal, constitute a black betrayal of the interests of the Indian residents, not only in Kenya, but also in the various other parts of the Empire. The following is what His Excellency said on the occasion:—

When considering affairs outside India, attention naturally and inevitably turns to Indians overseas. When I addressed the Legislature in January last, the position of Indians in Kenya was critical and I foreshadowed the appointment of a committee to make representations on behalf of the Government of India regarding the Immigration Ordinance in Kenya in particular and other questions relating to Indians in the Colonies. The personnel of the Committee was announced in March last and the Committee began

their labours in London in April. They had a number of interviews with the Secretary of State for the Colonies and the officials of the Colonial office and representations regarding many important matters affecting Indians in Kenya, Fiji and the Mandated territories of Tanganyika. I cannot highly praise the thoroughness and ability with which they performed their delicate task and I am grateful for the very patient hearing which the representatives of His Majesty's Government, Mr. Thomas and the officers of his department, accorded to them. As regards Kenya the conclusions arrived at by Mr. Thomas were announced in the House of Commons on August 7th last. On the question of franchise, and the Highlands, there was no change in the position, but as regards immigration His Majesty's Secretary of State for the Colonies, after hearing our representatives, was not satisfied with the data submitted from Kenya and was unable to agree with the Kenya authorities that a case has been made out to justify the Ordinance. He therefore gave an assurance that the Immigration Legislation would not be placed on the Statute book. Further restrictions then on the point of being imposed upon the immigration of Indians were accordingly removed. As regards Indian Colonisation, Mr. Thomas announced that it was proposed to reserve an area in the lowlands for agricultural emigrants from India, but that before the scheme took final shape, an officer with experience of the needs of Indian settlers and agricultural knowledge would be sent to report on the areas to be offered for colonisation. Reports in regard to areas have been received by my Government and we are considering the question of deputing an officer to examine these areas from the aspect of their suitability for Indian settlement. They are substantial gains and our gratitude is due to the Committee for the clarity and earnestness of their representation of the Indian point of view to His Majesty's Government. Moreover these gains are not the only advantages which accrued from their visit; a better atmosphere has been created and a wider understanding of different points of view has grown up which is the outcome of personal discussion and free and frank interchange of views.

If the pendulum has swung in the direction desired by India on these questions, the position in South Africa, on the other hand, has been less favourable. Towards the end of December, news was received that the Governor-General of the Union of South Africa had given his assent to the Natal Boroughs Ordinance. This measure, while safeguarding the rights of Indians upon the electoral roll of Boroughs, will prevent further enrolment of Indians as burgesses. The serious implications of the measure on the future of Indians who have special vocational and trading connections with the towns in South Africa will readily be realised. From the outset the Government of India had recognised the effect that this measure might have upon the position of resident Indians in Natal both as regards their civic and economic status and my Government made strong representations to the Union Government as soon as a copy of the Ordinance was received in August last. At the time there was reason to hope that since a similar but more drastic measure had been disallowed previously by the Governor-General, this Ordinance would also share the same fate. To our regret, however, the Government of the Union advised the Governor-General to assent to the Bill and accordingly the measure has now become law.

The situation created is now engaging the most earnest attention of myself and my Government. We have lost no time in making representations to His Majesty's Government and in placing before them in an emphatic manner the difficulties in which resident Indians are likely to be placed by the operation of the law. Every endeavour will be made to discover a remedy, but in view of the powers of Dominion Government's in internal and domestic affairs, the position is one of delicacy, and a solution will not be easy to find. Patience will again be necessary. I may remind you that when the position in Kenya seemed most unfavourable, temperate arguments and full and frank discussions resulted in a better understanding of the Indian point of view and in a measure of relief to the disabilities felt by Indians. I hope that, as in the case of Kenya, so also in this case, one remedy may be devised. I have promised to receive a deputation on this question and will discuss with them, at a later date, in the light of further information which I hope to receive, the prospects of finding a solution to the present difficulties. For the present I say nothing more on the subject of the measure which will engage the attention of the Legislature.

Mr. Sastri on the Viceroy's speech

A spirited protest was entered into by the Rt. Hon. Mr. V. S. Srinivas Sastri against the abandonment by H. E. the Viceroy of his opposition to the White Highlands policy pursued by His Majesty's Government in Kenya. In an interview granted to the Associated Press at Bangalore on the 21st January 1926, he said :—

"From a brief summary, which is all I have in this place, of the speech of His Excellency the Viceroy in opening the Houses of Legislature, I gather that the Government of India is about to take steps in regard to this matter which, in my humble judgment, ought not to receive the support or indirect acquiescence of the people's representatives. I refer to the appointment foreshadowed in the speech of an Indian Officer to investigate the areas in the Lowlands of Kenya which it is proposed to set apart for exclusive occupation of Indians as a sort of compensation for their being shut out from the Highlands. The idea was first formulated by Lord Milner when he was the Secretary of State for Colonies. From that time till the other day not only our countrymen in Kenya but so far as published documents go, the Government of India and the India Office have given no countenance to the suggestion. As to the press in India and our political leaders, they have always denounced it as a bait which should be avoided and a bribe which should be unhesitatingly rejected. Throughout the weary negotiations between Mr. Winston Churchill and Mr. Montagu, this attitude was steadfastly maintained. One cannot assert what line the recent Colonies Committee took, but I have reason to believe that they firmly adhered to the Indian position. To depute an officer to examine the Lowlands with a view to Indian settlement is the same as the acceptance by the Government of India of the principle of communal segregation. Its effect on our position in South Africa and elsewhere would be disastrous.

"Lucky the Government will have to ask the sanction of the Assembly for necessary appropriation of funds. The members of that chamber will know best how to deal with the proposals of the Government in the matter. Meanwhile I would suggest that questions be asked in both the Houses to elicit information and also to intimate the popular view to the Government. Sir B. N. Sarma steadily refused to publish papers and used to claim that there was substantial identity of view between the Government and the non-official public on the overseas question generally. We have in the past gladly allowed this claim and given the Government of India full credit for firm and thorough-going advocacy of our cause. Let us hope that it will do nothing now to forfeit this claim."

The Kenya Question in the Assembly

Sir Purushottandas Thakurdas drew the attention of the Government in the Assembly on the 27th January to the statement made to the press by Mr. Sastri regarding the Viceroy's announcement about the proposed deputation of an officer to Kenya. Mr. Bhore, the Emigration Secretary, explaining the Government position, said:—

"In the Parliamentary white paper on Kenya which was published in 1923, the temporary reservation in the lowlands of an area which did not infringe on native reserves or conflict with native requirements was foreshadowed in order to test the strength of the Indian demand for land for agricultural purposes. In their representations on this subject the Colonies Committee of the Government of India strongly emphasised that they were averse from the principle of reserving land for any immigrant race in Kenya, but suggested that, if it was decided to allot land for Indian colonisation, then before applications were invited an opportunity should be given to send an officer from India to report on its suitability from the Indian point of view. Information was received last November that an area had been inspected by the local officers. It is also understood that the East African Indian National Congress has been invited to send its representatives to inspect this area and has agreed to do so. In the circumstances the Government of India decided that the Standing Emigration Committee of the two houses of the Legislature should be consulted on the proposal to send an officer from India to investigate its suitability for Indian colonisation. The committee will consider the matter at their next meeting and until their report is received no decision can be arrived at. From the reservation made by the Colonies Committee on the general principle of allotting land to particular communities in Kenya to which I have already referred and in which the Government of India entirely concur, it will be observed that at no time has there been any question of acquiescence in a policy of segregation.

"Replying to a supplementary question of Mr. Rangaswami Iyengar, Mr. Bhore assured that the Government would not act without ascertaining the opinion of the Standing Emigration Committee of both the houses. Mr. Rangaswami asked whether the memorandum of the Colonies Committee on the subject has been supplied to the Emigration Committee. Mr. Bhore replied in the negative."

Indians in South Africa

Readers of the Register are aware that the Natal Boroughs Ordinance was passed by the Union Government in December 1924. General Hertzog, to whom lies the credit of the passage of the Bill, justified his conduct by stating that Natal was acting within its rights in the matter of this Ordinance and that it was hardly within the province of the Union Government to interfere with those rights. By misinterpreting the constitution and repudiating responsibility for the Ordinance, General Hertzog laid the axe straight at the roots of the Gandhi-Smuts pact, the Magna Carta of the Indians in the Dominions. Protesting against this violation of the spirit and letter of the Gandhi-Smuts Pact, the *Indian Opinion* of Natal wrote :—

"We felt we had a right to ask them to safeguard our rights under section 147 of the South Africa Act which vested in the Governor-General in Council all matters specially or differentially affecting Asiatics throughout the Union. The Ministers of the Crown were the custodians of our rights, as we had not the Parliamentary franchise. But they have abandoned their trust, betrayed and sold us. The rights, which the Boroughs Ordinance deprives us of, have been guaranteed to us under the settlement arrived at between Mr. Gandhi and General Smuts after that memorable passive resistance struggle, which meant hardship and misery to our people. That settlement provided that there shall be no further encroachment upon our existing rights. We make bold to say that the Government in passing the Ordinance have committed clearly a breach of faith. What trust could we have after this in the white man's world? . . . It is said that even a worm will turn when trampled upon, is our community going to take this beating lying down. We hope not. Let them be up and doing. Let them leave no stone unturned to have their voice heard."

The Deputation to the Viceroy

The above comments of the *Indian Opinion* show how keenly the Indians felt the grievous wrong done to them. On 28th January 1925 a representative and influential deputation of leading Indians waited on H. E. the Viceroy at Delhi and presented an address dealing with the question of the disabilities of Indians in South Africa. The history of the vexed question found an eloquent exponent in the Deputation, but it failed to give a true expression of the sentiments of the people which had been trampled upon by the South Africa Government, and of urging the Indian Government to take prompt steps to protect Indians' interests and vindicate India's honour and self-respect.

The personnel of the deputation was as follows :—Sir Dinshaw Petit, Bart., Hon'ble Raja Sir Harnam Singh, the Hon'ble Sahibzada Aftab Ahmed Khan, the Hon'ble Sir Arthur Froom, Kt., Nawab Sir Sahibzada Abdul Qayum, Sir P. S. Sivaswami Iyer, Sir Campbell Rhodes, Sir Purushottamdas Thakurdas, Sir Hormusji Adeawala, Dr. Sir Hari Singh Gour, Dewan Bahadur T. Rangachariar, Mr. Bepin Chandra Pal, Mr. M. A. Jinnah, Colonel J. D. Crawford, the Hon'ble Mr. G. A. Natesan, the Hon'ble Mr. Lalubhai Samaldas, the Hon'ble Mr. Pherose C. Sethna, Mr. K. C. Roy, Mr. W. S. J. Wilson, Bahu Ujagar Singh Bedi, Mr. N. M. Joshi, Mr. R. K. Sanmukham Chettiar, Mr. Hussain Ehsai Abdullahai Laljee and Dr. S. K. Datta.

The following is the text of the Address read by the Deputation :—

"Many deputations have waited from time to time upon Your Excellency and your predecessors in the office in order to convey to the Government of India and through it to His Majesty's Government, the intense feeling aroused in the minds of the people of India at the treatment accorded to Indians in South Africa by the Government of the Union. We remember, with satisfaction, the sympathetic response of the Viceroy of the day and of Your Excellency to the representations made on those occasions and, in particular, we recall, with thankfulness and pride, how in 1913 when the situation in South Africa had reached a dangerous crisis and public sentiment had been outraged by the bitter persecution of Indians in the Union, your predecessor, Lord Hardinge, placed himself at the head of the peoples of India and voiced their alarm and indignation in terms that extorted universal appreciation. To-day a crisis of another kind has been reached. It is true that the circumstances of the Indian passive resistance struggle in Natal for just and equitable treatment are not actually being reproduced in South Africa. Nevertheless a veiled warfare is undoubtedly being carried on against the resident Indian population and steps are being taken and policies framed having for their object, if possible, the expulsion and, certainly the ruin and degradation of the unhappy Indian residents there, now virtually leaderless owing to the departure, death or misfortune of those upon whom they have hitherto relied for counsel, guidance and example.

Gandhi—Smuts Agreement

"When the settlement of 1914 was reached between the Indian community and the Government of the Union, it was generally felt in this country that Indians there had secured no more than their minimum claim and for that they had to make enormous sacrifices with the sympathy, support and practical assistance of the people of India and they had gone to the utmost limit of honourable concession by consenting unreservedly to the closest restriction of the Indian immigration into the Union in order to allay the fear and hostility of their fellow white colonists. The settlement was based upon public recognition by the Union Government of the sanctity of the vested rights of the Indian residents whether individually or as a community and Mr. Gandhi clearly intimated to the Government that, though his countrymen had accepted the terms of settlement as regards matters then actually in dispute between the parties, they nevertheless reserved the right and intended in due course to claim the restoration of the various incidents and privileges of citizenship of which they had been deprived over a long period of years by statute, regulation or administrative action until they had secured for themselves the complete status of equal citizenship throughout the Union. With the outbreak of the war the anti-Indian campaign of an important and influential section on the white population remained in abeyance, but scarcely had the armistice been signed when it burst forth again with increased violence and in 1919, in spite of definite undertaking of the Union Government five years earlier to respect Indian vested rights and interests, the Union Parliament passed legislation depriving the Transvaal Indians of the legal right indirectly to acquire and own immovable property, which with the knowledge and encouragement originally of the South African Government, they had exercised freely for over thirty years.

The Asiatic Commission

"Encouraged by this striking success, the anti-Indian propagandists began to extend their operations to Natal. The Union Government thereupon set up a commission presided over by Mr. Justice Lange to examine the whole Indian position in the Union. It was at this stage that Your Excellency's predecessor Lord Chelmsford who had persistently advocated the Indian cause in South Africa sought and obtained from the Union Government an invitation for a representative of the Government of India to proceed to South Africa to assist the Commission by presenting the Indian case and to confer with the Cabinet of General Smuts. Sir Benjamin Robertson's able presentation of India's case and his penetrating criticism of the evidence led by the anti-Indian party resulted in a finding of facts by the Commissioners substantially adopting the Indian point of view and discrediting, on grounds of vagueness, inaccuracy or exaggeration, the main hostile allegation. It was hoped, as a result of this effort, that the Union Government would take steps to correct popular misconceptions and correspondingly to improve the Indian status, but the insecurity of General Smuts' Government rendered it peculiarly susceptible to pressure from the anti-Indian party in the Assembly, with the result that the Natal Provincial Council was encouraged to enact certain ordinances prohibiting Indians in the Durban Municipal area from making purchases at public sales of the Municipal land, depriving Natal Indians of the right to exercise the Municipal franchise and severely restricting their already precarious trading rights. In spite of Indian protests, the first Ordinance, upon the advice of his Ministers, was assented to by the Governor-General, thus for the first time introducing in Natal the practice of racial segregation. The other Ordinances were disallowed or assent withheld. Several attempts have since been made to secure the acceptance of these or similar Ordinances by the Union Government and the news has recently reached India that in spite of repeated protests the Governor-General has now assented to the Ordinance depriving Indians in Natal of the Municipal franchise that they had exercised to the advantage of the province, ever since it was first instituted. This Municipal Franchise was solemnly assured to them by the Natal Government when in 1896 the Indians were deprived of the Parliamentary Franchise.

The Class Areas Bill

"At the 1917 Imperial War Conference, when the question of the disabilities of the Government of India came up, General Smuts, speaking on behalf of the Union Government, expressly held out the hope that with the removal, by the enactment of the Union Immigration Act, of the fear of an Indian invasion of South Africa, the grievances of the resident Indians should be gradually remedied and at the 1918 War Conference, Mr. Burton, the South African spokesman, paid a warm tribute to the lawabiding character of the Indian population and admitted that it was entitled to humane and just treatment. The South African delegation accepted the resolution passed unanimously by the Conference recommending to the various Dominion Governments concerned the investigation of Indian disabilities with a view to their removal. The Lange Commission in 1920 reported that the allegations of unlawful Indian immigration on a large scale were not substantial and this finding was supported by the Union. Census figures in 1921 showed, not only that the Indian population, two-thirds of which was born

in South Africa, was virtually stationary, but that the white population in the Union had enormously increased in Natal, where the complaints of unfair economic competition were loudest. Though the Indian population had increased by the small amount of 8 per cent, the European population had increased by 40 per cent. In 1921 the Imperial Conference adopted a resolution recommending to the various Dominion Governments, in view of the changes in the constitutional status of India under the Reforms, the desirability of conferring citizenship rights to domiciled Indians. South Africa alone dissented. At the 1923 Conference, though the Union representative sought to procure the reversal of the 1921 resolution, it was reaffirmed, South Africa dissenting. When Sir Tej Bahadur Sapru, speaking on behalf of the Government of India, recalled General Smuts' declaration at the 1917 Conference and pointed out that not only had nothing been done to remedy the Indian disabilities but that these had been steadily added to in contravention of both the letter and the spirit of the 1914 settlement, the South African statesmen fell back upon the agreement that the avowed policy of the South African Europeans throughout the greater part of the Union, was one of racial discrimination and differentiation to the exclusion of the principle of equality of citizenship amongst them. Immediately after his return to South Africa in 1923 and with the consciousness of a precarious parliamentary majority, General Smuts introduced in the Union Assembly the Class Areas Bill, providing for the commercial and residential segregation of Indians in Municipal areas throughout the Union. Owing to the fact that the Cape Indians exercise parliamentary franchise, they were able to secure the support of Cape Members of the Assembly for their demand to be excluded from the operation of the Bill and an undertaking was subsequently given by the Government that they should be so excluded. With the General election that occurred in South Africa, early last year, which resulted in the defeat of General Smuts and the advent of the office of a Nationalist-Labour Government under General Hertzog, the Bill lapsed. When the new South African Parliament met, the Prime Minister stated that it was not proposed to proceed with the Class Areas Bill, but the Government was committed to the principle of segregation in urban areas and that the Cabinet had under consideration a measure to give effect to this policy. The Minister of the Interior has since intimated that it is intended to proceed with this measure at an early date.

A Non-Party Conference.

"In view of the past attitude of the Nationalist and Labour Parties in South Africa, the resident Indian community is extremely alarmed at this prospect and its anxiety is shared by the people of this country. Recent statements by the South African Press correspondents indicate the probability of the holding of a Non-Party Conference with the object of agreement upon a national rather than a party anti-Indian policy. During his recent visit to the Union, Mr. J. H. Thomas, then His Majesty's Secretary of State for the Colonies, delivered a speech at Petermaritzburg, at which he expressed the hope that the Indian question would be considered, not merely in its local, but especially in its Imperial aspects and that, if, as he felt was desirable, a non-party Conference was set up, the Imperial and Indian Government should be represented thereat, so that the Indian position could be re-examined in a spirit of tolerance that might result in the finding of a solution. Whilst

recognising the economic difficulties of the situation, we feel that the position of the South African Indian population since the passage of the threatened legislation has become desperate and the present situation is fraught with such peril to Imperial relationships and in particular, those between South Africa and India, that we have no hesitation in urging upon Your Excellency's Government the immediate need of securing the Union-Government's assent to the suggestion of Mr. Thomas, which we trust will be endorsed by the present Government in Whitehall.

Wanted—An Assurance.

"In these circumstances and with the danger of irreparable disaster so imminent, we, citizens of the Indian Empire, feel it our duty, both to the people and the Government of this country, to approach Your Excellency with an earnest request for an assurance that your Government, mindful of the gravity of the problem and of the intensity of Indian feeling thereon, is making every effort to secure from the Union Government an undertaking that no further steps will be taken relating to Indian interests until the whole Indian position has been thoroughly re-examined in a non-party spirit of tolerance by a conference of the above-mentioned character in the presence and with the collaboration of such representatives of the Imperial and Indian Governments.

"We are authorised by His Highness the Maharaja of Bikaner, who to his regret is unable to be present to lead us owing to a religious ceremony in which His Highness's presence is indispensable, to recall in this connection the message which he, as the Chancellor of the Chamber of Princes, communicated to the Imperial Conference of 1923, through His Highness the Maharaja of Alwar. The message expressed the earnest hope of the Princes that the united efforts of all concerned at the Conference would yield some satisfactory results and secure to Indians, including the subjects of the Indian States, an honoured position in all parts of the Empire, in keeping with Indians' rightful place in the British Commonwealth and in conformity with the assiduous and constant effort of Your Excellency and your Government. His Highness wishes us to add that the princes are in agreement with the object of this deputation.

"We beg to thank Your Excellency for the patient hearing that has been given us and we pray that Your Excellency's efforts will bring about the much-needed relief to the Indians in South Africa and will tend to remove that bitterness between the component parts of the Empire which the differential treatment of one class of His Majesty's subjects in the Dominions has unfortunately generated."

The Viceroy's Reply.

The following is H. E. the Viceroy's reply to the Deputation :—

"Gentlemen, I am glad to have the opportunity of welcoming you here this evening. You are members of a deputation which is, to an unusual and remarkable degree, representative and influential. The composition of the deputation indeed shows how deeply stirred are the feelings of the whole country in regard to the conditions of Indians in South Africa. Although no Ruling Prince is actually with you to-day, yet I observe that you have received messages of sympathy from His Highness the Maharaja of Bikaner, the Chancellor of the Chamber of Princes and that His Highness desires it to

he knows that the princes are in agreement with the objects of this deputation. I welcome also the presence of the distinguished representatives of the non-official communities and it is especially noteworthy that Indians and Europeans are associated together in this deputation and with the same purpose in view. The question before us is of the utmost importance to the future of the Empire and it is well that the British in India should show in this unmistakable way that they identify themselves with those questions which affect seriously the interests and position of India in the Empire.

"In your address you have given a concise historical survey of this complicated problem and it must be admitted that that survey leaves on the mind an impression of deep disappointment. On the conclusion of the 1914 settlement, as it is termed in your address, it appeared that the causes of future friction between the Government of South Africa and the Indians resident within its borders had been removed. At the conclusion of the negotiations of 1914, a letter was written on behalf of General Smuts to Mr. Gandhi, in which the following passage occurs with regard to the administration of the existing laws: "The Minister desires me to say that it always has been and will continue to be the desire of the Government to see that they are administered in a just manner with due regard to vested rights. In conclusion, General Smuts desires me to say that it is of course understood and he wishes no doubts on the subject to remain, that the placing of an Indian Relief Bill on the Statute Book of the Union, coupled with the fulfilment of assurances he is giving in this letter, in regard to the other matters referred to herein and touched upon at recent interviews, will constitute a complete and final settlement of the controversy which has unfortunately existed for so long and will be unreservedly accepted as such by the Indian community."

Present Position.

"This letter indicated at any rate, in the mind of General Smuts, a feeling of hopefulness for the future and it does not seem unreasonable to infer that at that time the Union Government did not seem unreasonable to infer that imposing any fresh restrictions on Indians already in the country, as I understand it was in this sense that the agreement was interpreted in India, and the speeches made by the representatives of South Africa at the Imperial Conference in 1919 and 1918, tend to support this interpretation. General Smuts, speaking at the Imperial Conference of 1917, said: "There is still a difference of opinion on administrative matters of detail, some of which are referred to in the memorandum which is before us, but I feel sure, and I have always felt sure, that once the white community in South Africa were rid of the fear that they were going to be flooded by unlimited immigration from India, all other questions would be considered subsidiary and would become easily and perfectly solvable. That is the position in which we are. Now that the fear which formerly obsessed settlers there has been removed, the great principle of restricted immigration for which they have contended is on our Statute Book with the consent of the Indian population in South Africa and the authorities in India and, that being so, I think that the door is open now for a peaceful and statesmanlike solution of all the minor administrative troubles which occurred and will occur from time to time".

'It is not difficult therefore to understand the feeling of disappointment at have invaded the country when several restrictive enactments you have

detailed have successively been brought into effect in the last few years culminating in the Natal Boroughs Ordinance.

Natal Boroughs Ordinance.

"The immediate occasion of this deputation is the passing into law of the Natal Boroughs Ordinance which has received the assent of the Governor-General of the Union of South Africa on the advice of the Union Government. This Ordinance, whilst safeguarding the rights of those Indians who are already on the electoral roll of the Borough in Natal, will prevent any further enrolment of Indians as Burgesses. The next generation of Indians born in South Africa will not possess the municipal vote.

"It is stated in your address that "the municipal franchise was solemnly assured" to Indians by the Natal Government when in 1896 Indians were deprived of the parliamentary franchise, but you have not indicated the exact source of the nature of the assurance. My Government are making the necessary enquiries to verify the position and meanwhile I should be glad to be supplied by you with any further information you may possess upon this subject. It is not necessary for your case, for, apart from any question of assurance or promise and apart even from any question of sentiment, it cannot be disputed that it will be a serious deprivation to the Indian community to be excluded from any part or lot in the administration of the municipal affairs that touch their every-day lives. Moreover, the Ordinance can hardly fail to affect injuriously the economic life of many of the Indians. The Municipalities administer the Licensing Laws and I understand that a considerable number of the Indian community are small traders trading under Municipal licences and it becomes necessary to enlarge on their possible disadvantages when deprived of the influence on the surface of those who administer the licensing laws.

"For a time there seemed to be some hope that this new policy of imposing fresh restrictions on Indians in Natal would be checked by the Union Government, but the passing into law of the Natal Boroughs Ordinance appears to indicate that the provinces will be to a large extent left to deal with the Indian problem as may seem best to them. This is a position that Indians must be regarding with increasing misgiving at this moment when the action now taken in Natal following on other measures taken or proposed in Natal or elsewhere, suggests that the position of Indians in South Africa has reached a crisis. I should be unresponsive, indeed, if I did not fully appreciate the sentiment which stirs the country and is well expressed by this remarkable deputation exemplifying in a striking manner the co-operation of Indians and Europeans of varying shades of opinion and varying interests. Firm in the faith of future of India within the Empire, I am deeply concerned at the turn of events and at the possible reactions on imperial relationships. I need not say that my Government is entirely with me in the desire to obtain more favourable consideration from the Union Government for the interests of Indians resident in South Africa. From my own personal knowledge I can assure you that Sir Narasimha Sarma, when in charge of the department, laboured devotedly to represent and uphold the Indian cause and I am convinced that Sir Mahomed Habibullah will not be behind him in the earnestness of his endeavours to the same end. As a Government we have consistently and persistently striven to the utmost of our capacities for this purpose.

Thorns in the Path

"But I must not conceal from you that the difficulties which confront us are great. Your object as practical men is to find a practical method of achieving some result, of removing the danger to the whole position of Indians in South Africa. Feelings are deeply stirred, but it is not sufficient to relieve them by resolutions or speeches. We seek, you seek, all seek, a practical solution. I therefore turn with special interest to the suggestion made by you at the end of your address. You propose that my Government should make every effort to secure from the Union Government an undertaking that no further steps will be taken relating to Indian interests until the whole Indian position has been thoroughly re-examined in a non-party spirit of tolerance by a conference in the presence and with the collaboration of representatives of the Imperial and Indian Governments who will by their knowledge and ability, possess the full confidence of the Indian people. I am not surprised, in the circumstances mentioned by you and your address, that you should concentrate upon this proposal. You will appreciate that I cannot discuss it in its full bearings in a public statement to you. The suggestion is worthy of the fullest consideration and I assure you, has already received it. I may tell you at once that my Government has been and is in consultation with His Majesty's Government upon this very subject and has been and is doing its utmost to seek a solution of the problems before us by the means suggested by you, or any other which may be presented, that is likely to yield fruitful results.

"But I should not be candid with you if I tried to belittle the difficulties in the way of obtaining assent to such a conference. You are well aware of them. We must do our utmost to overcome them. Negotiations in these matters must necessarily be of a delicate character. National susceptibilities are easily aroused not only in India, but elsewhere. The path we shall have to tread is difficult. South Africa has already full responsible Self-Government, a Dominion within the Empire and you are apprised of the strength of the feeling and of the agitation in South Africa upon these questions. Each Government has its own problems and embarrassments, each Government seeks the interests of its own people. Our purpose is to strive to reconcile these individual interests in the collective interests of the Empire. You will, I think, realise from my observations that denunciation and threats can only produce injurious consequences and embarrass us with the Union Government. Indeed the language of your address bears testimony to your views and I take this opportunity of paying my tribute to the restrained, though none the less emphatic, manner in which you have stated your case to-day. In conclusion, Gentlemen, let me assure you if it is still necessary that I and my Government are whole-heartedly with you in the desire to be of assistance to the cause of the Indians in South Africa".

Mahatma Gandhi on the Viceroy's Speech.

The Viceroy's speech in reply to the Deputation could not pour oil into the troubled water. Mahatma Gandhi in criticising the speech wrote the following in his *Young India* on the 8th February 1925:—

"The Viceroyal answer to the deputation that waited on His Excellency was sympathetic but non-committal. It betrays unnecessary consideration for

the difficulties of the Union Government. It is just for one Government to appreciate the difficulties of another, but the performance might easily be overdone. The Union Government observed no delicacy when it had to make its choice. The Indian Government has had many occasions to make such choices. Each time except once it has surrendered. The exception was made by Lord Hardinge who hurled defiance at the Government of South Africa and ranged himself on the side of Indians in South Africa. There were reasons for it. Indians were fighting by direct action. The method was new. They had proved their capacity for resistance and suffering and yet they were demonstrably and wholly non-violent. But at the present moment, Indians of South Africa are leaderless. With Sorabji Kachalia, P. K. Naidu and now Rustumji gone, they do not know what they should do or can do. There is ample scope for non-violent action, but it requires thinking out and vigorous working out. That seems hardly possible at the present moment. I have, however, great hope of one or two young men who are resident in South Africa. Not the least among them is Sorabji, the brave son of the brave Rustumji. Young Sorabji is himself a seasoned soldier in Satyagraha. He had been to prison. He organised wonderful receptions that were given in Natal to Sarojini Devi. Let our countrymen in South Africa realise that they must work out their own salvation; even heaven helps only those who help themselves. They will find that if they show their original grit and spirit and sacrifice they will have the people of India, the Government of India and the world helping and fighting for them.

The Natal Pledge

"There is a passage in the Viceregal pronouncement which needs supplementing. His Excellency says: "It is stated in your address that the Municipal franchise was solemnly assured to the Indians by the Natal Government when in 1896 Indians were deprived of the Parliamentary franchise, but you have not indicated the exact source or nature of the assurance. My Government are making the necessary enquiries to verify the position." The statement made by the deputation is substantially correct. It was however not in 1896, but probably in 1894 that the assurance was given. I am writing from memory. The facts are these:—"It was in 1894 that the first Disfranchising Bill was passed by the Natal Assembly. Whilst it was passing through that Assembly a petition was presented to it on behalf of the Indians wherein it was stated that Indians enjoyed in India the Municipal and indirectly even the political franchise. Fear was also expressed that deprivation of political franchise was likely to be a prelude to that of the Municipal franchise. It was in answer to this petition, that the late Sir John Robinson, the Premier of Natal, and the late Mr. Koombe, the Attorney-General, gave the assurance that there was no intention to go further and deprive Indians of the Municipal franchise at a future date. The Disfranchising Bill was disallowed by the Superior Government, but another, non-racial in character, was passed. The assurance referred to by me was several times repeated by Mr. Koombe who had the charge of all Bills and who was virtually the dictator of Natal's policy whilst he was in office."

The Colour Bar Bill.

In our previous issues we have dealt very exhaustively how in 1923 General Smuts, the then Premier, introduced in the Union Assembly of South Africa the Class Areas Bill providing for the commercial and residential segregation of Indians in municipal areas throughout the Union. Owing to the fact that the Cape Indians exercise parliamentary franchise, they were able to secure the support of Cape members of the Assembly for their demand to be excluded from the operation of the Bill, and an undertaking was subsequently given by the Government that they should be excluded. With the general election that occurred in South Africa early in the year 1924, which resulted in the defeat of General Smuts and the advent of the office of a Nationalist—Labour Government under General Hertzog, the Bill lapsed. When the new South African Parliament met, the Prime Minister (General Hertzog) stated that it was not proposed to proceed with the Class Areas Bill, but the Government was committed to the principle of segregation in urban areas and that the Cabinet had under consideration a measure to give effect to this policy. The Minister of the Interior also intimated that it was intended to proceed with this measure at an early date.

As soon as the Class Areas Bill was scotched, strong objection was taken by the white constituents of South Africa and there was great resentment among them. General Hertzog, in his anxiety to keep then satisfied, introduced another Bill, the Colour Bar Bill in the Union Parliament. It should be remembered here that the colour-bar imposing disabilities on Indians was brought into vogue by the regulations issued in connection with the Mines and Works Act of 1912 wherein it was provided that machinery, boilers etc., should be in the charge of competent persons who shall be white men. The legality of these regulations was, however, challenged in a court of law and in November 1923, the Transvaal Supreme Court declared that these colour-bar regulations were *ultra vires*. One of the judges observed that the deprivation of any section of the community of economic rights by reason of the colour of his skin was '*prima facie*' repugnant to the law of the land, unreasonable and even capricious and arbitrary. The new Mines and Works Bill, otherwise called the Colour Bar Bill, provides in spite of this judgment that the certificates of competency shall not be granted to natives or Asiatics.

The Bill in the Union Assembly

In February 1925 the Colour Bar Bill came up for discussion in the Union Assembly. In opposing it General SMUTS declared that the Bill sought to give the Government power by regulation to apportion work in mines and works between the whites on the one hand and the Natives and Asiatics on the other which, he thought, was a very serious matter. He felt the Bill was not an honest dealing and it was his deliberate opinion that there was only one guarantee of security of white civilisation, namely, honest justice between man and man in this country.

Turning to the Bill, as it affected Asiatics, he said that in the days of his negotiations with Mr. Gandhi, the position which the latter took up and which had been taken up at subsequent conferences in London, was an appeal not to dishonour Indians. "We recognise," said Mr. Gandhi, "there is a difference between you and us and that distinctions must be made. But

don't cast a stigma on us in the laws of your country." But, in this Bill, they were doing the very thing they were asked to avoid. They were gathering on their hands the hatred of the whole of Asia from one side to the other.

General HERTZOG expressed the appreciation of General Smuts' attitude and said the time had not yet arrived to abolish the differentiation between the white and the coloured people, but then they must be careful to see that they did not give offence. He suggested that the question might be considered in the Select Committee for granting certificates to persons in charge of dangerous work. He admitted that there was a good deal in what General Smuts had said. The question was one in which they could not always in practice adopt what they would have liked to as far as ethical principles were concerned, but if in practice they adopted something different, they must depart as little as they could from ethical principles. It became desirable many years ago to make a differentiation between the white and the coloured people. He thought a way out could be found without giving such offence. He appealed to the House to come together and see how they could solve the problem.

The Second Reading of the Bill

On the 6th May 1925, after an acrimonious debate, the Bill passed its second reading by a small majority of eleven votes. It was then referred to a Select Committee.

The Minister of Mines, Mr. Beyers, deprecated the speeches of General Smuts and other oppositionists as tending to cause disaffection in the Native mind and argued that the Bill only enacted the colour bar which was previously embodied in the regulations of the Transvaal Free State, but which had been found to be *ultra vires*. He declared that he had no intention to offend Indians, and, if the Committee could find a formula satisfactorily expressing the intention and meaning of the Bill without using the specific word "Asiatics," he would welcome such a formula.

On the 2nd June 1925 the Parliamentary battle over the Colour Bar Bill was resumed when the Opposition put forward a motion to reverse the recent decision of the Select Committee which was then sitting on the Bill not to take evidence. The Select Committee had confined itself to more or less external amendments in order that the word "Asiatics" should not appear in the measure. Beyond that the Committee had refused to hear natives or Asiatics who desired to give evidence on the application of the Bill.

Ultimately the Opposition's motion was defeated by eighteen votes after one more bitter and acrimonious debate.

A week after, the report of the Select Committee on the Colour Bar Bill was carried in the Assembly by the casting vote of the Minister. The Bill had been altered in accordance with the recommendations of the Select Committee which suggested that instead of stating that certificates of competency would not be granted to natives and Asiatics, the Bill should provide that such certificates would be granted (a) to Europeans, and (b) to classes known as "Cape Coloured" or "Cape Malays."

On the 9th June by resorting to closure the Government forced the Colour Bar Bill through the Committee of the whole House.

The opposition put up a strenuous fight and moved numerous amendments. One of these was to exempt from the Colour Bar Provisions all registered voters. This would have protected the Natives and Asiatics in

THE COLOUR BAR BILL

Cape Province where they possess votes. Another amendment, which was significant concerning the possibility of the extension of the Colour Bar to the Cape Province by regulations which the Bill empowers the Government to make, was the proposal definitely to exempt the Cape Province from the Bill. All these amendments were rejected by the Government.

The Bill was eventually passed through the Committee stage with the amendments proposed by the Select Committee, namely, the re-drafting of the Bill so as to eliminate the specific mention of Asiatics and Natives and applying the Colour Bar to them by implication alone.

On the 25th June the Colour Bar Bill passed its third reading in the House of Assembly by a narrow majority of 44 to 31.

Commenting on this in protest, Mr. C. F. Andrews in a statement to the Associated Press on the 26th June said :—

Mr. C. F. Andrews' Protest.

"The news from South Africa that the Colour Bar Bill which discriminated against Native Africans and Asiatics, has passed the third reading, will be received with the deepest regret by all those who were seeking for some means of reconciliation between South Africa and India. There is no more sensitive point of honour at which India could be attacked than that of racial discrimination by name in a Parliamentary Statute. It will be remembered that General Smuts urged in a remarkable speech, a short time ago, that at least the injured feelings of Indians be spared by omitting the word 'Asiatics.' The search for such a formula has evidently failed. Nothing is left to mitigate the blow which has fallen, for it has been studied and deliberate.

"It is no consolation to find that nearly half the members of the South African Union Assembly either abstained from voting or were absent. Out of a house of 154 members only 75 recorded their votes. There were evidently grave misgivings even in Ministerial ranks, but the fact remains that the third reading of the Colour Bar Bill has been passed by a substantial majority and that all the warnings of General Smuts and others have been in vain.

"We have been told definitely that this Bill is only the beginning of the final attempts to solve the Asiatic question once for all. Other Legislative measures will be brought forward on the lines of the Class Area Bill. We must expect when the time comes a Segregation Bill even more frankly and pointedly racial than the Class Area Bill itself. The situation is not unlike the studied insult which was offered by America to Japan a year ago, when in spite of the most serious and emphatic warnings, Japan was discriminated against racially in the American Immigration Restriction Bill. Japan received this blow against her honour with a dignity that was deeply impressive. India will receive the blow which has now been struck from South Africa in the same manner, but such wounds cannot easily be healed. The words of General Smuts, about the danger to a young nation like South Africa, of only insulting 'the great and ancient civilization of the East, will inevitably come true."

Ultimately the Colour Bar Bill was rejected by the Senate. We reserve it to be dealt with exhaustively in the next issue of the Register.

Provincial Conferences

Jan.-June 1924.

Provincial Conferences

Jan.-June 1934

All-India Hindu Mahasabha

CALCUTTA—11TH APRIL 1925

The 8th Session of the All-India Hindu Mahasabha was held at Calcutta on the 11th April 1925 under the presidency of Lala Lajpat Rai. There was a large gathering of delegates from the provinces outside Bengal and also of Hindu leaders from all over India. The proceedings were mainly in Hindi.

Sir P. C. ROY, Chairman of the Reception Committee, in welcoming the delegates, repudiated the suggestion that the Hindu Mahasabha organisation was anti-national. It was the bounden duty of every individual he said, who aimed at a higher synthesis of national life to liberalise his community by a wider diffusion of culture and a better understanding of human and national obligations and interests. Communal organisations which honestly worked for cultural reform were not anti-national. The Hindu Mahasabha, he said, was looked upon by some at least of our Muslim friends as being a militant body and hostile to them. It would be a great misfortune if it was really so. He was opposed to forcible conversions and reconversions from one religion to another. He declared that what Khaddar was for the economic salvation of India, the removal of untouchability was for the national regeneration of Hindu India.

Continuing he said "My idea is that the Hindu Mahasabha should confine its activities to the reform of internal abuses and to the consolidation of the different sections and castes of Hindu society on a common platform. I would say the same thing to our Muslim brethren. Let them also direct their energies to the spread of education and the reform of their social evils. These two movements may proceed side by side without mutual distrust and bitterness. I would also say the same thing to my Christian, Buddhist and Jain friends. If the different communities that inhabit India are mindful of the interests of the country and of themselves and pursue their activities in a broad and liberal spirit, all hindrances to the growth of a United India will disappear and India will take her place among the free nations of the world and will regain her position as the source from which culture spread throughout the globe."

The Presidential Address

Lala LAJPAT RAI in the course of his Presidential Address said

"The Hindus have no political aims of their own separate from those of their countrymen of other faiths. There was a time when good many of the Hindu leaders wanted the Hindus to abstain from all political activity and to engage only in religious exercises. That class has now almost disappeared. But another class has come to the front who hold out that Hindu leaders have injured the Hindu community by taking too much anti-government political activities and by raising the standard of Swaraj and that it is time that we should make up with the Government and give up all anti-government activities. I am afraid I cannot agree with them. I am not at all sorry for the part the Hindu leaders have so far played in the development of the movement of freedom. The future historians of India will I hope give them credit for their activities in this direction. It must be understood that no living nation can avoid politics. Politics is the very breath of accepted life and political activities of a healthy kind are absolutely necessary for social progress and national prosperity. In this respect the following quotation from the Mahabharata ought to be very carefully borne in mind by such Hindu leaders as preach to us political inactivity—

"When Politics becomes lifeless, the triple Veda sinks, all the Dharmas (i.e., the basis of civilisation) (however) developed, completely decay."

When traditional State-Ethics are departed from, all the divisions of individual life are shattered.

"In Politics are realised all the forms of renunciation. In Politics are united all Sacraments, in Politics are combined all knowledge; in Politics are centered all the Worlds". *Maha Bharata Shantiparva—63-98-99.*

'Political activities are of two kinds—anti-government and pro-government. It will be foolish to oppose Government for the sake of opposition. It will be equally foolish to support Government with the object of individual or communal gain. The Hindus have so far followed a National policy and, I think, they must stick to that. They will be stultifying themselves if they replace their nationalism by communalism. Yet we can not ignore the fact that there are some communities in India who want to take undue advantage of our nationalism and are pushing forward their communalism to such an extent as is injurious to the interests of the whole nation and certainly disastrous to those of the Hindu community. Such communalism we are bound to oppose as, in our judgment, it can only lead to permanent slavery, permanent disunity and a state of perpetual dependence.

HINDUS DO NOT WANT A HINDU RAJ

'There is some apprehension in the mind of a certain section of our Muslim countrymen that the Hindus are working for a Hindu Raj. It is to be deplored that some Hindus, too, should have taken to that line of argument in retaliation to the Mohammedan cry for Muslim Raj. We know that all Mohammedans do not want a Muslim Raj, and we also know as a fact that the bulk of the Hindus do not want a Hindu Raj. What the latter are striving after is a National Government founded on justice to all communities, all classes and all interests. In my judgment, the cry of a Hindu Raj or a Muslim Raj is purely mischievous and ought to be discouraged.

'Sometime ago I had the occasion to read in one of the Muslim papers an article on Muslim Raj. The writer dismissed the idea of establishing Muslim Raj by the help of foreign Mohammedan states, such as Kabul and Turkey. And he also dismissed the idea of establishing a Muslim Raj by converting the Hindus into a unity for turning out the British and then establishing a Muslim Raj. But he actually advocated the policy of co-operation with the Government which might in the course of time lead that Government to hand over their power to the Muslims as the best organised and the most powerful body of men fit to rule. It seems to me that the writer has done great injustice to the Mohammedans by this line of argument as his conclusion seems to be more in the interests of Anglo-India than of the Muslim community. I am confident that this conclusion is not shared by the whole Mohammedan community, though unfortunately the utterances and actions of some of the foremost Muslim leaders do lend colour to it. Any way, I am clear in my mind that neither a Hindu Raj nor a Muslim Raj is in the realm of possibility. The correct thing for us to do is to strive for a democratic Raj in which the Hindus, Muslims and the other communities of India may participate as Indians and not as followers of any particular religion.

'So far as Politics are concerned, the Hindu Mahasabha has no special political functions except to define the position of the community in relation to other communities. The Hindus as a community are opposed to communal representation as such in any shape or form. The preponderance of opinion seems to be that the Lucknow Pact was a mistake but it is wrong to represent, as has been done by Mr. M. A. Jinnah recently at Aligarh, that the Hindus are altogether opposed to any revision or re-consideration of the Lucknow Pact. In conversations at Delhi, the position of the Hindu representatives was that they would accept any uniform principle of representation applicable to the whole of India subject to one consideration that the electorate in all cases should be mixed and that the principle of communal representation shall not be extended beyond the Legislature. In face of this to say that the Hindus as such are opposed to any compromise is not true. I do not consider that an understanding between the Hindus and the Mohammedans is impossible, but it must be clearly understood that the Hindus will not submit to any coercion whatsoever in arriving

of some settlement. No amount of riots and disturbances will make them enter into any agreement which they do not consider fair and just.

THE PROBLEM OF NORTH-WEST FRONTIER—THE FEAR OF EVANGION

It is said that the Hindus are very much obsessed by a fear of the Indian Mohammedans making a common cause with the Mohammedan Powers beyond the North West Frontier to establish Mohammedan dominions in India. In this connection we have been assured by some Mohammedan leaders that the apprehension is absolutely unfounded, and is in fact a reflection on their patriotism. They are as much interested in the independence of India of any foreign control, be it a Mohammedan or a non-Mohammedan, as the Hindus. I have no doubt that this assurance is perfectly *bona fide* and sincere as far as it goes. But there is no guarantee that the Mohammedans of the North West Frontier Province, the Punjab and Sindh, are likely to take the same view if any such situation arises. If anything, the indications are to the contrary. We have several evidences of the mentality of the Frontier Mohammedans in this respect. Some Mohammedans have already suggested that all the territories which lie between Peshawar and Agra should be made over to the Mohammedans in which they might establish Mohammedan Government as a member of the Mohammedan League of Nations. At the last session of the Muslim League held at Bombay, M. Mohammad Ali actually suggested that the Mohammedans of the Frontier Province should have the right of self-determination to choose between an affiliation with India or with Kabul. He also quoted a certain Englishman who had said that if a straight line be drawn from Constantinople to Delhi, it will disclose a Mohammedan corridor right up to Saharanpur. But the most important evidence of this mentality is to be found in the statement of a very important Mohammedan leader made by him before the Frontier Enquiry Committee in 1923. The name of this gentleman is Sardar Mohammad Gul Khan who appeared before the Committee as a witness in the capacity of President of Islamic Anjuman, D. I. Khan. We take the following from the Minute of dissent by Mr. N. M. Samarath on page 122 of the Report of the said Enquiry Committee. "This witness," says Mr. Samarath, "was asked by me: 'Now, suppose the Civil Government of the Frontier Province is so modelled as to be on the same basis as in Sindh, then this Province will be part and parcel of the Punjab, as Sindh is of the Bombay Presidency. What have you to say to it?' He gave me, in course of his reply, the following straight answer: 'As far as Islam is concerned and the Mohammedan idea of the League of Nations goes, I am against it.' On this answer, I asked him some further questions to which he gave me frank, outspoken replies without mincing matters. I extract the pertinent portions below:—

Q.—The idea at the back of your Anjuman is a Pan-Islamic idea, that Islam is a League of Nations, and as such amalgamating this Province with the Punjab will be detrimental, will be prejudicial to that idea. That is the dominant idea at the back of those who think with you. Is it so?

A.—It is so, but I have to add something. Their idea is that the Hindu-Muslim unity will never become a fact, it will never become a *fait accompli*, and they think that this Province should remain separate and a link between Islam and the Britanic Commonwealth. In fact, when I am asked what my opinion is—I, as a member of the Anjuman, am expressing this opinion—we would much rather see the separation of Hindus and Mohammedans, 23 crores of Hindus to the South, and 8 crores of Muslims to the North. Give the whole portion from Raskumari to Agra to Hindus and from Agra to Peshawar to Mohammedans, I mean transmigration from one place to the other. This is an idea of exchange. It is not an idea of annihilation. Bolshevism at present does away with the possession of private property. It nationalises the whole thing and this is an idea which of course pertains to only exchange. This is of course impracticable. But if it were practicable, we would rather want this than the other.

Q.—That is the dominant idea which compels you not to have amalgamation with the Punjab?

A.—Exactly.

Q.—When you referred to the Islamic League of Nations, I believe you had the religious side of it more prominently in your mind than the political side?

A.—Of course, political: Anjuman is a political thing. Initially, of course, anything Mohammedan is religious, but of course Anjuman is a political association.

Q.—I am not referring to your Anjuman but I am referring to the Mussalmans. I want to know what the Mussalmans think of this Islamic League of Nations, what have they most prominently in mind, is it the religious side or the political side?

A.—Islam, as you know, is both religious and political.

Q.—Therefore politics and religion are intermingled?

A.—Yes, certainly."

"Now I have reasons to believe that this opinion is shared by a large number of Mohammedans in the Frontier Province and the Punjab and Sindh. In the light of this evidence, the Hindu apprehension cannot be dismissed as entirely unfounded. The question of the Frontier is very important to the whole of India and it specially concerns the safety and security of the Hindu community. It is not right to say that the territories beyond Indus were taken possession of by the British Government from the Mahomedans. Just like Alsace-Lorraine, the territories between the Indus and Peshawar have continuously been changing hands in the historical period and have been a bone of contention between the Government of India and other Governments situated beyond Peshawar. Speaking historically, they have been for a larger part of the historical period a portion of the Indian territories than otherwise. There was a time when all the territories between Indus and the eastern boundary of Persia proper formed part of the Indian provinces of the Iranian Empire. Then came the Empire of the Hindu Moians, which included all these territories as a part of the Indian Empire. On the rise of Islam, the Moslem Generals of the Khalifa conquered these territories, from the Hindus and the several sovereigns of the Ghazni families fought pitched battles with the Hindus on the North West Frontier side to Peshawar. Since then the territories comprising the North West Frontier Province have often been changing hands. They have several times been in the possession of Afghans, at others, formed part of the Indian Empire. The Sikhs held possession of these territories as a part of their Empire, and the British Government took possession of these provinces from the Sikhs. So far as Hindus are concerned, the question is one of pure Frontier defence and should be judged purely on its merits as such. The Hindus do not desire any domination over the Mohammedan population. What they want is the safeguarding of their interests and that of India generally.

"I have nothing more to say about Politics. Real politics must be left to political associations like the Congress and the Liberal League. The Hindus must not on any account give up the Congress. That would be prejudicial to the best interests of the country, and the Hindu Sabhas should make no encroachment on the province of the Congress, except so far as purely communal questions are concerned.

SANGHATAN

"The Hindu community is being furiously attacked on all sides on account of the Sangathan movement. I can see no justification in these attacks. Every religious community is trying to unify itself and organise itself in different ways. It is true that the Hindus have so far neglected that work, but if they have learnt the lesson from the example of other communities and are doing the right thing towards their own community, no one has a right to find fault with them on that ground. Looking at the history of Hindu Sangathan movement, it is not a new movement at all though, it has taken a more tangible form now and for obvious reasons. It is the duty of the Hindus to organise themselves and bring about unity of action in their relations with other communities and the Government. The Hindu Mahasabha stands for this unity of action and I appeal to all the different sections of the Hindu community to lay aside their differences and unite under the flag of the Hindu Mahasabha. We must recognise the common dangers, both internal and external. The external

dangers I have already referred to. The internal dangers are still more immediate. We are too much inclined to neglect the differences and subdivisions of the community into so many tribes and castes. Now I have no intention of finding fault with any creed or any caste. But we must recognise the necessity of all-round fusion for the purpose of meeting common dangers and performing common duties. The community must realise the absolute necessity of internal consolidation for the purpose of getting sufficiently strong to live its own life and not lag behind other communities in progress and in numbers. We cannot afford to lose very many of our people. The old game of throwing out people on very small pretences must be given up and occasions must be sought to bring people back into our fold without false scruples.

DEPRESSED CLASSES

I will take the Depressed Classes first. The Depressed Classes, it is said, number about six or seven crores but these numbers are unreliable. The figures have been swollen either intentionally or unintentionally. There are many classes included under this heading who are not untouchables any way. Again there are some classes who are untouchables in one province and not so in another. If we were to take the figures of those who are untouchables in all provinces, the number will dwindle down to a very small figure. Now I beg of the Hindu community to remove the untouchability of all because it is wrong to consider any human being as untouchable, particularly when he belongs to our own religion, in any case there should be no untouchability in relation to those classes who are not uniformly untouchables throughout India. There is a great deal of controversy between the orthodox people and those who favour the entire removal of untouchability about the extent to which the untouchables should be removed. Personally I am in favour of untouchability being removed altogether. Personally I will go much farther than the minimum laid down by the Hindu Mahasabha at its Special Session held at Allahabad. But while the object of conciliating my orthodox brothers, I will not urge upon the Mahasabha to go farther. I think it should be left to the Empirical Sabhas to consult Hindu opinion in their Provinces with regard to the actual steps they would sanction for the removal of untouchability and the uplift of the Depressed Classes. This should affect the orthodox opinion because they would say what they think best in their spheres of influence with regard to this matter. But there is a great danger in our continual neglect of these classes. There are other people out to absorb them who have greater scholar influence and larger resources to take them into their own fold. For the Hindus at this stage to neglect the Depressed Classes will be simply suicidal and I will beg of them to take a broader view of the question than they may be inclined to do on the ground of their religious scruples. One store of Hinduism consists in its adaptability to the circumstances of the times, and but for this the Hindus would have been nowhere by this time. They would have been absorbed by other communities and would have disappeared. The pressing need of the time is to adapt ourselves to the exigencies of the present. We can at least all join together in providing education and economic facilities for the uplift of the Depressed Classes. In this respect, all credit is due to those Hindu philanthropists who with great sacrifice and labour are working in this cause.

FURTHER PROGRAMME OF THE HINDU MAHASABHA

The following, in my judgment, should be the programme of the Hindu Mahasabha. But I would like the Hindu Mahasabha to select one or two items of this programme every year and to concentrate their attention on them.

(1) To organise Hindu Sabhas throughout the length and breadth of the country.

(2) To provide relief to such Hindus men and women, who are in need of assistance of communal and social disturbances.

(3) To recover the Hindu who have been forcibly converted to Islam.

(4) To organise gymnasiums for the use of Hindu youngsters and women.

- (5) To organise Seva Samitis.
- (6) To popularise Hindi throughout the length and breadth of the country in co-operation with Hindi Sahitya Samachar.
- (7) To request the Trustees and Keepers of the various Hindu temples to open the halls attached to the temples where people may gather to discuss matters of social and religious interests.
- (8) To celebrate Hindu festivals in a manner which may conduce to the promotion of brotherly feelings among the different sections of the Hindus.
- (9) To promote good feelings with Mohammedans and Christians.
- (10) To represent communal interests of the Hindus in all political controversies.
- (11) To encourage Hindu boys to take to industrial pursuits.
- (12) To promote better feelings between Hindu agriculturists and non-agriculturists.
- (13) To better the condition of Hindu women by abolishing purdah, providing educational facilities and taking such other steps as will conduce to their physical and mental welfare.

RESOLUTIONS.

PT. NEKIRAM SARMA then moved the first resolution for the uplift of the Depressed Classes in Hindi. It said :—

"Be it resolved that this Mahasabha considers it a religious duty of the Hindus to arrange for proper education and well-being of their untouchable Hindu brethren with a view to have their sympathy and regard for their ancestral Hindu religion so that they are not misled by the people of other religions to renounce their own religion.

(a) Considering the present religious and social obstacles the Hindu community has to face and may have to face in future, this Mahasabha draws the attention of the Hindu community to those *Apathalik* (relating to time of national peril) rules of the Hindu Sastras that have been laid down about untouchability according to which on the occasion of Tirtha Jatra, procession, marriage, boat journey, war, revolution etc., this untouchability is not observed.

(b) In the opinion of the Mahasabha there should be no difficulty in admitting the untouchables for education in those schools and colleges where children of other religionists are allowed and where necessary separate arrangements should be made for them.

(c) This Mahasabha appreciates the desire of worshipping Gods of their Hindu untouchable brethren and requests the Adhikaries or managers of the temples to offer them the facilities where feasible in conformity with their Shastrik injunction.

(d) Be it resolved that with the consent of the residents of the locality, proper arrangements be made to remove the obstacle, where it exists, which the Depressed Classes experience in obtaining water from public wells and also where necessary by having special wells dug for them.

(e) In the opinion of the Mahasabha it is necessary for Hindu Sangathan and uplift of untouchables to adopt the above means for the education and well-being of the Depressed Classes. In the opinion of the Mahasabha it is against Dharma Shashtra and "Lokachar" (custom) to give Juman (Sacred thread) to touch Vedas, and to intermix with the untouchables; and therefore the Hindu Mahasabha does not support such practices and declares that no one should try to do such things in the name of the Mahasabha.

A debate was raised on an amendment of Sri Padmanab Jai that the words about 'special wells' and clause (e) be deleted. Some 'Sanataniists' opposed this, whereupon Pt. Malaviya explained that the resolution was drafted to satisfy all

classes of Hindus, the go-a-heads and the Sanatanists who form a very strong opposition. The amendment was then withdrawn and the resolution passed.

Next day the following resolutions were passed :—

Sr. JAGAT NARAIN LAL (Behar) moved :—

"This Conference views with deep regret the fact that lace of Hindus are being converted into other religions owing to ignorance, misapprehension and allurement. This Conference therefore considers it desirable to establish an association to be known as 'Hindu Rakshak Sangha' whose duty would be to strengthen the religious ideas of the Hindus in order that their firm faith in Hindu religion may not be shaken. This Conference further appeals to the Hindus in general to devote their lives and to contribute proper funds for the achievement of this purpose.

"That this Mahasabha draws the attention of the Hindus in general and the provincial Hindu Mahasabhas to the critical situation in Bengal, Behar, Assam, Gujrat and other provinces where lace of Hindus have adopted other religions and are continuing to do so and where other religious preachers are specially trying to induce Hindu women and girls to discard their religion."

In moving the resolution the speaker narrated the downfallen condition of the Hindus in the province of Behar. The Christian missionaries went into the interior of the province long before there were any railways and spread a net-work of their proselytising organisation. Figures had been collected which showed that there were in Bihar 137 Christian Missions, 1500 doctors, 45 presses, 143 orphanages, 7,217 Missionaries, 18,776 Paderis, 5 colleges, 610 schools, 48,044 teachers, 408 hospitals, 99 newspapers under Christian Missionaries. They spent annually Rs. 18,53,000 approximately. They had succeeded in converting 25 or 30 lakhs of Hindus.

The speaker then gave figures of the converts amongst the Oraons, Mundas and Sonthals of Ranchi. There were from Mundas 74,261 converts into Christianity, from Oraons 94,828, from Kharias 25,635 and from other tribes there were 1423 converts. The total number of converts exceeded 1,96,000.

In Ranchi, Roman Catholic and English Missions were already working and German and American had recently arrived. There were approximately 400 Europeans and 2500 European ladies who conducted the work of the Roman Catholics. Only in Ranchi they had established 700 lower primary schools, the English Mission having established 300 lower primary schools. These were appalling figures, said the speaker, and he appealed to the Hindu public to train up large numbers of youngmen to go to the different provinces in the country to preach their own religion so that they could stop the conversion to other religions.

Sr. ANAND P IYA of Bombay, speaking on this resolution, made some startling disclosures. He said :—

"Perhaps you will wonder to find in the resolution the words that Hindus should be protected from the frauds practised on them by the religious propagandists. You will perhaps say that you have not heard of such practices but to-day I shall tell you that in Guzerat there is one mission working the literature of which is most objectionable from the point of view of a Hindu. To-day thousands of Hindus are approached by the Aga Khan missionaries with books which bear the following names :—Vedic Islam, Nishkalanka Gesta, Alogomahad, Ten Avatars, More Gayatri, Nishkalanka Shashtra. Now what do these books contain ? I refer here only to Vedic Islam ; the front page has a photo of H. H. the Aga Khan and underneath is written the following phrase in Guzerati 'The sight of Krishna in Kaliyuga' ! This book contains many other things of the same nature. I read out from page 22 :

"In Dwagar Lord Krishna said :—'When the people in India become sinful I am born to lead them to religion.' According to this promise the Lord after Krishna Avatar shone in full brilliance as tenth Avatar of All in Ambia. At that time affairs in India were all right, but now when the people

are beginning to hate religion and to hate the very Krishna according to his promise was born in Karnar 43 years hence in the form of H. H. the Aga Khan. The Moslem unity and his book "India in Transition" are valid proof of his promise in "Gesta". This great avatar to-day is saving to the Sanatanis. To come into me, I shall lead you to salvation.

This is one of the samples of Aga-Khani teaching. Aga-Khans preach that the ten Hindu Avatars are all right and the tenth Avatar, was all in whose line Aga-Khan being the forty-fourth descendant is the modern Avatar. They say that Atharva Veda has been translated into Gujarati and the Alippanish speaks elaborately of Mahomed as the tenth Avatar.

Quoting a Mantra from the Atharva Veda they say that it is this mantra of Atharva Veda which clearly proves Mahomed's prophethood. Being not content with this they write "H. H. H." as such a (slogan) that almost coincides with the Sanskrit word "Om". That the uneducated Hindus may be misled. About Avatars they say that the Ninth Avatar Buddha came and it was not Sri Krishna) advised the Hindus to kill cows, for it was his only way of getting salvation from the sins of killing their relatives in battle. The book Buddha Avatar is full of deceit. The book begins with the following verse:— "That Hari spoke Persian (language) in the form of Buddha" and advises Yudhisthir thus: "O Yudhisthir! Kill and kill a cow, then and then alone you will succeed in your action." In the book "Ten Avatars" we find the following about the Tenth Avatar.

"O ye who believe in Atharva Veda and remember that Lord Krishna has become Lord Mahomed.

So, friends! Fight further and—

"You heard Maulavi Mahomed, All speak in the Congress of that friend who was ready to donate one crore of rupees for converting the Hindus into Muslims. Their friend of Maulanaji is H. H. the Aga Khan whose followers in the day are carrying on an extensive propaganda through misstatements in Gujarat by establishing various centres of work. They would have succeeded but for the efforts of Hindu Mahasabha of Bombay, Hyderabad, and thanks to the donation of Mr. Jugal Kishore Birla of Calcutta, his million money we could work and give a strong fight to disprove those fraudulent assertions of the untouchables and convert them to Hinduism."

"You have heard much of Christian missionaries. In Gujarat alone more than 7 Missions are working. One Mission has spent 1,50,000 dollars for their work. In one district they have opened something like 200 schools."

"To-day the Hindu's least of being religious. I say that our love for religion is far less than those missionary ladies who forsake their warm homes, cross several seas and wander here from village to village with banners of Christ. This is true love for one's religion."

The resolution was carried unanimously.

CONJUGAL REPRESENTATION.

Rai, Bhagwan SHAM, KAM, of the Panjab, moved the third resolution which was to the following effect:—

"The Hindu Mahasabha of India is most essential for the attainment and preservation of Hindu happiness and supremacy in the country, and whereas the Hindu Mahasabha after ascertaining the Hindu public opinion through its Committees constituted at the Bombay Conference has come to the conclusion that the introduction of separate conjugal representation in the public bodies and services of the country has proved injurious to and destructive of the growth of common nationality in the past and is bound to prove similarly harmful in the future, and whereas the Mahasabha is opposed to this method of representation and therefore appeals to the leaders of all Hindu Communities to educate their constituents to give up their demand for conjugal representation and to support the demand of the Mahasabha for the Hindu community to form an united India Nation."

Reading of Gita.

Shri Mahan Mahan MALAVIYA moved the following resolution which was passed unanimously :—

"This Sabha hereby requests Hindus, irrespective of their caste, age or sex, to read the second chapter of the Gita in original or in Hindi translation at least on every "Kinkarti" day. In the case of those who cannot themselves read the Gita the Mahasabha advises them to get it read to them by others. In the provinces where the people cannot understand Hindi they may read or listen to the Gita in their own provincial languages. But care must be taken and attempts must be made to understand the Hindi translation as soon as possible.

Funds of Mahasabha.

Shri Mahan Mahan MALAVIYA then moved the following resolution :—

"This Mahasabha appeals to the Hindu Society to make a gift of Rs. 5 lakhs to the Mahasabha, out of which one lac of rupees will be spent by the Sabha for Sangathan movement and the remaining 4 lakhs for the relief of Kshatri Hindus, elevation of the depressed classes etc."

Cow-Protection.

Shri Shafiq Jafar CHIRIMAR moved the following resolution :—

- "(a) This Mahasabha views with regret the enormous number of cows being killed in this country. So the Mahasabha appeals to all to save cows from the hands of butchers and to try to send the barren and old cows to such cow-slaughter is prohibited by law.
- "(b) This Mahasabha appeals to the Zamindars to keep aloof pastures lands for cows.
- "(c) The Mahasabha enjoins on every Hindu not to have any transaction with butchers and further enjoins on the Society to administer proper punishment to those who violating this injunction carry on transactions with butchers or sell cows to them.
- "(d) This Mahasabha requires those who make gift of cows to give them to proper person and appeals to the receivers of such gifts to refuse them if they have not the power to keep them properly."

The Bengal Provincial Conference

PARIPURB—2ND MAY 1925

Presidential Address.

The following is the English version of the Presidential Address delivered in Bengali by Mr. C. R. Das at the Bengal Provincial Conference which commenced on Saturday, the 2nd May 1925, at Paripurb :—

Again and again has India asked "Which way lies Salvation?" In the dim past it was the obstinate questioning of the individual soul weary of shadows and seeking for Reality. In the living present it is the tortured cry of the Soul of India—"Which way lies Salvation?"

Let me put this question to you again so that we may obtain a clear vision as to what it is that we must accomplish.

As with the individual so with the Nation, the question is to find out the meaning of deliverance from bondage and, let me add, sin. It is a sin of those who forge the fetters of bondage. It is also a sin of those who allow the fetters to be forged.

Many forms have been presented—Self-Government, Home Rule, Independence and Swaraj—but these are all names unless the full implications are vividly realised, and in the process of such realisation must come a consideration of the method of attaining the object in view.

There are those who decline in favour of peaceful and legitimate methods. There are others who claim that without the use of force or violence Swaraj is impossible of attainment.

I desire to offer only a few suggestions to help you in deciding these momentous questions. Let the Bengal Provincial Conference declare in no uncertain voice what is the national ideal of freedom, and what is the method it calls upon the country to adopt for the fulfilment of that very ideal.

Independence Does Not Necessarily Imply Swaraj

Independence, to my mind, is narrower ideal than that of Swaraj. It implies, it is true, the negative of dependence; but by itself it gives us no positive ideal. I do not for a moment suggest that independence is not consistent with Swaraj. But what is necessary is not mere independence but the establishment of Swaraj. India may be independent to-morrow in the sense that the British people may leave us to our destiny but that will not necessarily give us what I understand by 'Swaraj.' As I pointed out in my Presidential address at Gaya, India presents an interesting but a complicated problem of consolidating the many apparently conflicting elements which go to make up the Indian people. This work of consolidation is a long process, may even be a weary process; but without this no Swaraj is possible. Herein lies the great wisdom of Mahatma Gandhi's constructive programme. It is unnecessary for me here to discuss that programme as we are all privileged to-day to hear his message from his own lips. With that programme I entirely agree and I cannot but too strongly urge upon my countrymen to give it not merely an intellectual assent but practical support by working it out to the fullest extent.

Independence, in the second place, does not give you that idea of order which is the essence of Swaraj. The work of consolidation which I have mentioned means the establishment of that order. But let it be clearly understood that what is sought to be established must be consistent with the genius, the temperament and the traditions of the Indian people. To my mind, Swaraj implies, firstly, that we must have the freedom of working out the consolidation of the diverse elements of the Indian people; secondly, we must proceed with this work on National lines, not going back one thousand years ago, but going forward in the light and in the spirit of our national genius and temperament. For instance, when I speak of order, I mean a thing which is totally different from the idea of discipline which obtains in Europe. In Europe the foundation of society and Government is discipline; and the spirit of discipline upon which everything rests is entirely military; and discipline which has made England what she is to-day is also of the same military

type. It is not for me to decry European civilization. That is their way and they must fulfil themselves. But our way is not their way and we must also fulfil ourselves. Thirdly, in the work before us, we must not be obstructed by any foreign power.

What then we have to fix upon in the matter of ideal is what I call Swaraj and not mere Independence which may be the negation of Swaraj. When we are asked as to what is our national ideal of freedom, the only answer which is possible to give is Swaraj. I do not like the other Home Rule or Self Government. Possibly they come within what I have described as Swaraj. But my desire somehow or other is antagonistic to the word "rule"—be it Home Rule or Foreign Rule.—My objection to the word Self Government is exactly the same. If it is defined as government by self and for self, my objection may be met, but in that case Swaraj includes all those elements.

Within or Without the Empire?

Then comes the question as to whether this ideal is to be realised within the Empire or without the Empire. The answer which the Congress has always given is "within the Empire if the Empire will recognize our right" and "outside the Empire, if not." We must have opportunity to live our life,—opportunity for self-realization, self-development, and self-fulfilment. The question is of living our life. If the Empire furnishes sufficient scope for the growth and development of our national life, the Empire then is to be preferred. In the contrary, the Empire like the One of Jagannath crushes our life in the sweep of its imperialistic march, there will be justification for the idea of the establishment of Swaraj outside the Empire.

Indeed, the Empire idea gives us a vivid sense of many advantages. Dominion today is in no sense servitude. It is essentially an alliance by consent of those who form part of the Empire for mutual advantages in the real spirit of co-operation. Free alliance necessarily carries with it the right of separation. Before the War a separatist tendency was growing up in several parts of the Empire but after the War it is generally believed that it is only as a great confederation that the Empire or its component parts can live. It is realised that under modern conditions no nation can live in isolation and the Dominion status, while it affords complete protection to each constituent composing the great Commonwealth of Nations called the British Empire, secures to each the right to realise itself, develop itself and fulfil itself and therefore it expresses and implies all the elements of Swaraj which I have mentioned.

To me the idea is specially attractive because of its deep spiritual significance. I believe in world peace, in the ultimate federation of the world, and I think that the great Commonwealth of Nations called the British Empire—a federation of diverse races, each with its distinct life, distinct civilization, its distinct mental outlook—if properly led with statesmen at the helm, is bound to make a lasting contribution to the great problem that awaits the statesman, the problem of knitting the world into the greatest federation the mind can conceive, the federation of the human race. But if only properly led with statesmen at the helm,—for the development of the idea involves apparent sacrifice on the part of the constituent nations, and it certainly involves the giving up for good the Empire idea with its only attribute of domination. I think it is for the good of India, for the good of the world that India should strive for freedom within the Commonwealth and preserve the sense of humanity.

The Method: the Case Against Violence

I now come to the question of method. In my judgment the method is always a part of the ideal. Be that when we are considering the question of method we cannot forget the larger aspect of the object we have in view.

Viewed in this light the method of violence is hardly in keeping with our life and culture. I am not suggesting for a moment that the History of India shows no wars nor the application of violence. Every superficial student of our history knows that it is not so. But sometimes things are forced upon our life which a critical student of our history must know how to separate from the real heart of our genius. Violence is not a part of our being as it is of Europe. That violence in Europe is checked by a system of law which in the ultimate resort is also based on physical force. The Indian people have always been in the habit of following traditions and customs and thus keeping itself free from violent methods. Our village organizations were a marvel of non-violent activities. Our institutions have always grown naturally like the unfolding of a flower. Strife there have been of the intellect. Cravings there have been of the soul. Disputes and quarrels have always arisen but only to be settled by peaceful arbitration. Anything contrary or antagonistic to this temperament is a method which is not only immoral from the highest

of the Government of the modern type by such method? I venture to think that such a method would be impossible, even in England to-day.

In the same place, the application of violence as the root of that consolidation without which as I have said the arrangement of Swaraj is impossible. Violence is to be followed by non-violence on the part of the Government and repression may be so violent that its only effect on the Indian people would be to check their enthusiasm for Swaraj. I ask these young men who are addicted to revolutionary methods, do they really think the people will side with them? When life and property is threatened the people will side with the people who suffer or who think they may suffer from such activities. This method therefore impracticable. For as it is from me, it is my duty to warn against the honesty of persons or the ardour of patriotism which these young men are capable of showing. But as I said the method is opposed to my temperament, therefore the application of it is, to quote the words of Mahatma Gandhi, "waste of time and energy". I appeal to the young men of Bengal who may even in their heart of hearts think in favour of violent methods, my dissent from such thought and I appeal to the Bengal Provincial Conference to shun calmly and unanimously that its opinion freedom cannot be achieved by such methods.

But if I am against the application of such methods, I feel bound to point out that it is the violence of the Government which has to a great extent helped the revolutionary movement in Bengal. I believe it is a question of time when it will be pointed out that for the last thirty years there has been a quarrel in among modern Englishmen in their respect or reverence for law and order and I know that this quarrel is directly traceable to modern legislation which has had the effect of diminishing the authority of the law courts and thereby impairing the rule of law. In other words, violence always begets violence, and if the Government embark on a career of lawlessness for the purpose of stopping legitimate activities it cannot but bring into existence what Dr. Dutt calls a "real for lawlessness" in the subject. The history of India and particularly of Bengal supports the observation of Dr. Dutt.

Origin of Bengal Revolutionary Movement

The Revolutionary "atmosphere" in India has not been created all on a sudden. In this country as elsewhere it has passed through several stages. The first period was one of unrest brought about by the cumulative effect of a century of administration wisely maintained in the interest of England and the English people. The period of unrest was further continued and strengthened when India came under the Crown in 1858. From 1858 to the end of the century, covering the better part of the Victorian era an alien bureaucracy administered the affairs of this country in complete forgetfulness of the best interest of the Indian people. This period was principally noted for the carefully studied neglect of the real India that led to the focusing of the opinion of an articulate and educated people. "I do not for a moment deny that the administration in the country in the latter part of the Victorian era was sometimes potentiated by acts of benevolent despotism, such as Lord Ripon's Repeal of the Vernacular Press Act, the inauguration of the Local Self Government, the Liberal Bill and the Revision of the Indian Councils Act 1892 during Lord Elphinstone's Viceroyalty. I call these acts of benevolent despotism because the underlying motive of most of them was the consolidation of the power of the bureaucracy. The only measure of real importance was the Local Self Government, but if one carefully studies it, one soon finds it is not what it pretends to be. Real power was never parted with and when measures were adopted which superficially considered may be supposed to be for the good of the people. On the other side, measures like Lord Lytton's Vernacular Press Act, the conspicuous stiffening by Lord Dufferin to the growing intelligentsia of India as "a memento mori" and the meagre grant for famine relief—now and again prepared the soil upon which the revolutionary mentality of her later day was sown up.

The Curzonian Struders

Lord Curzon, however, inaugurated the second stage, or the stage of revolutionary mentality by the blazing indiscretions of his infamous viceroyalty. He it was who for

the first time set up the faith of administrative "efficiency" and placed it above the improvement of the people. On the one hand, he set up this faith: on the other he began to foster Indian public opinion in a most persistent and obstinate way. Circular after circular were issued to counteract and stifle national movements leading to the inauguration of the policy of repression and tyranny—repression and tyranny on one side and the foundation of a rival revolutionary mentality among a section of the Indian intelligentsia on the other.

After Lord Curzon the third stage was reached when the revolutionary mentality induced some youth to translate their feverish anxiety for restoration and freedom into real revolutionary activities. During Lord Minto's viceroyalty the Government showed its mailed fist and, with velvet gloves taken off, a reign of terror was started. A section of the Bengal young men attempted to reply to this reign of terror by the free use of bombs and assassinations.

One notable feature of this new psychology ought not to be forgotten or lost sight of if the question has to be studied from a broader point of view. The foundation of Indian sentiment and of a revolutionary mentality has no doubt been laid by the persistent flogging of the Indian people and by a policy of repression and tyranny. Not one is bound to admit that the success of the Japanese over the Russians in the bloody War about the end of the last century and the consequent reawakening of Asia, the Guerrilla Campaign of the Egyptian Nationalists and the activities of the Irish Republicans and the subsequent foundation of the Soviet Russia with its world-wide Bolshevik propaganda and lastly, the success of the Angora Government in bringing the English and the Greeks down on their knees—have contributed not a little to the conviction that India's freedom must be won by whatever means possible.

It may be tedious but it will be profitable to give a chronology of leading events in India from 1905 to 1909 bearing on this question.

1905

February 2.—Lord Curzon introduced a Bill to officialise the Universities of India and got this Bill through the Council on February 10.

February 11.—Lord Curzon's speech at the University Convention, Calcutta, impugning Indian weakness.

July 19.—Government of India's Revolution on the partition of Bengal published.

August 7.—Anti-Partition demonstration in Calcutta. Boycott agitation started in the Town Hall under the presidency of the Maharaja of Kasimbazar.

August 21.—Lord Curzon's resignation of viceroyalty announced. (Leaves India November 17).

September 1.—Proclamation of the Partition of Bengal issued from Simla.

September 2.—A general mourning observed all over Bengal on account of the Partition Proclamation.

September 22.—In connection with the Partition Agitation and the Swadeshi movement a mass meeting was held at the Calcutta Town Hall under the presidency of Mr. Lal Mohan Ghose and attended by 4,000 people.

September 25.—Anti-Partition demonstration in the Calcutta Mallan prohibited by the Police.

September 29.—A meeting of the Supreme Legislative Council was held at Simla in which the Bengal Partition Bill was passed into law.

October 5.—The leading Marwaris owing to the boycott propaganda in connection with the Partition of Bengal refuse to send forward contracts to Manchester for cotton goods.

October 10.—Mr. Carlyle of the Government of Bengal issues an anti-Swadeshi Circular prohibiting students from joining in picketing.

October 12.—Papers relating to the Partition of Bengal officially published.

October 15.—The new Province of Eastern Bengal and Assam formally inaugurated at Shillong by Sir Bamfylde Fuller, its first Lieutenant Governor. The Foundation of Federation Hall and a day of general mourning all over Bengal and the last Dakhni (Calcutta) Day inaugurated under the presidency of late Mr. A. M. Bose.

November 1.—The people's proclamation urging on the unity of Bengal read throughout the Province.

November 6.—Mr. P. C. Lyon, Chief Secretary of Sir B. Fuller, issues a circular against the shooting of 'Bande Mataram' in open streets and parks.

1906

January 12.—In reply to a deputation from the Indian Association, Lord Minto declares the Partition of Bengal to be an accomplished fact.

April 18.—The Barisal Conference is dispersed under orders of Mr. Emerson.

October 27.—Some gentlemen and students wantonly assaulted by the Police at Mymensingh.

1907

January 1.—Queen Victoria's Statues on the Maidan is tarred and mutilated.

May 9.—Lala Lajpat Rai is arrested and deported under Regulation III of 1912.

May 29.—A detachment of Garkhas arrive at Sirajganj where great panic prevailed among the Hindu population.

June 17.—The Amritsar District is proclaimed under the Meetings Ordinance. The Editor of the *Hindustan* newspaper is arrested and handcuffed at Lahore.

July 11.—The Faridpur District Conference of which Mr. Prithwis Chandra Ray was elected president, is prohibited.

October 2.—Police forcibly break Swadeshi meeting at Beadon Square assaulting innocent men and in the night loot many shops in the neighbourhood.

October 10.—Meetings are proclaimed in all public squares of Calcutta with the exception of Greer Park under orders of the Presidency Magistrate, Mr. Swinhoe.

November 1.—Seditious Meetings Bill passed into law.

December 26.—The 23rd Indian National Congress broken up at Surat.

1908

February 2.—A proposed scheme for dividing Mymensingh into three districts is announced.

April 30.—A serious bomb outrage takes place at Muzafferpore. The bomb was thrown at a carriage containing Mrs. and Miss Kennedy.

May 1.—The Manicktola Bomb Conspirators rounded up.

May 1.—Khudiram Bose is arrested at Waini on suspicion as the murderer of Mrs. and Miss Kennedy.

May 2.—Hemchandra Das is arrested at 88/4, Raja Nabo Kisan's Street. Babu Arobindo Ghose, Sallendra Nath Bose and Abinash Chandra Bhattacharya, the Manager and Assistant Manager respectively of the "Navasakti" are arrested at the "Navasakti" office for their alleged complicity in the bomb conspiracy.

May 2.—Barindra Kumar Ghosh, Ullaskar Dutt, Indubhawan Ray and ten others are arrested with bombs, explosives and ammunitions at a garden house at 82, Mararipakar Road.

May 3.—Profulla Chandra Chaki, while being arrested at Mukamah on suspicion as one of the murderers of Mrs. and Miss Kennedy shot himself dead by a revolver.

May 5.—Narendra Nath Goswami is arrested at Srirampore in connection with Bomb conspiracy.

May 6.—Five Bengali Hindus are arrested at Kastes as implicated in the case of shooting Mr. Hickenbotham, a Christian Missionary.

May 18.—A bomb explosion takes place on the Tramway line in Grey Street in Calcutta, injuring four persons.

May 24.—Two bombs were discovered in a third class railway carriage of a passenger train at Howrah.

June 2.—An armed dacoity took place at Barra in Dacca in which forty armed men fought with nearly 300 villagers, killing four.

June 8.—The Newspapers Act and the Explosives Act passed by the Governor-General in Council.

June 21.—A bomb thrown into a Second Class Railway Compartment at Kakinarah seriously injuring 1 European passenger.

June 22.—Narendra Nath Goswami, one of the accused of the Manicktola Bomb Conspiracy Case turns King's witness and makes sensational statements implicating Arobindo Ghose and several well-known men in Bengal with dacoity and attempts at murder.

August 2.—Of the six accused in the Harrison Road case under the Arms Act, Hagen and Dhanraj Gupta and Ullaskar Dutt are sentenced to seven years' rigorous imprisonment each, and the rest are acquitted.

August 11.—Khudiram Bose hanged.

August 12.—Two bombs are discovered near the Chandanagore Railway Station.

August 28.—Raja Narendra Lal Khan Bahadur of Mirajole and eight other respectable persons are arrested at Midnapur for complicity in alleged conspiracy to kill all European officials at Midnapur. (Released on bail on September 18 and the case against them withdrawn by the Hon'ble S. P. Saha on December 9.)

August 31.—Narendra Nath Goswami the approver in the Alipur Bomb Conspiracy case, is shot dead in the Alipur Jail.

September 8.—Mr. Dadabhai Naoroji sends a message from Varanasi urging his countrymen to avoid all resort to violence.

September 20.—Mr. Tilak's conviction for sedition for 6 years' transportation is reduced to 6 years' simple imprisonment by the Bombay Government.

October 15.—The Bengal Government issues a notification extending the order of the Chief Presidency Magistrate of Calcutta and the District Magistrate of 24 Parganas prohibiting the holding of any public meeting in any place under their jurisdiction to a further period of six months from October 22.

November 7.—At a meeting in the Overton Hall in Calcutta a daring attempt is made on the life of Sir Andrew Fraser, the Lieutenant-Governor of Bengal, by one Jitendra Nath Roy Chowdhury.

November 9.—Mandalal Banerji of the Bengal C. I. D. who attempted to arrest Protulu Chaki shot dead in a Calcutta lane.

November 10.—Kanaial Dutta is hanged in the Alipore Central Jail and is given a public funeral by a large crowd of Indian men and women.

November 22.—Satyendra Nath Bose, another murderer of Naren Goswami is hanged in the Alipore Jail.

November 30.—Mr. Gokhale in an address before the New Reform Club in London states that the condition in India is getting serious and declares that nothing short of the reversal of the partition of Bengal and general amnesty to all political prisoners will ever pacify Bengal.

December 1.—Mr. Rees in the House of Commons suggested the prohibition of seditious literature from France to India.

December 11.—A special Crimes Act for the summary trials of political prisoners and prescribing certain Associations and Organization is passed into law at one single meeting of the Indian Legislative Council.

December 11.—Krishna Kumar Mitter arrested and deported under Regulation III of 1912.

December 12.—Aswini Kumar Dutta, Subodh Chandra Mallik and five others arrested and deported under Regulation III of 1912.

1909

January 6.—Several Samities in Eastern Bengal proclaimed under the new Crimes Act.

February 10.—Babu Ashutosh Biswas, Government Pleader and Public Prosecutor of the 24-Parganas, is shot dead in the precincts of the Alipore Magistrate's Court by one Chara Chandra Bose.

March 2.—A question was put in the House of Commons by Mr. Lupton as to the difference in the Russian and Indian method of repression. The Under Secretary made no reply.

April 5.—The prohibition to hold public meetings in Calcutta Squares within half an hour of sunset is extended for another year.

May 6.—Judgment delivered in the Alipur Bomb Case by Mr. Beachcroft.

In summer a revision of the Indian Councils Act is passed in Parliament incorporating the Morley-Minto Reforms.

1910

The Minto-Morley Reform Scheme is inaugurated, and a drastic Press Act passed.

I have omitted to state in this chronology the principal events from 1910 to the present day as they may be fresh in your memory. The annulment of the Partition of Bengal in 1912, throwing of a bomb on Lord Hardinge at Chandni Chowk in Delhi while passing in a State procession, internments under the Defence of India Act, the Bowling Act, the Jallianwallahabad Tragedy and the incidents of the Komagata Maru may be remembered as the principal events of this period.

It is thus clear that repression was followed by revolutionary movement which again was followed by further repression and that even when the British Government allowed measures which may be described as benevolent, they were always attended by others of a repressive character.

With the Jallianwallahabad Tragedy was started the new era in which Mahatma Gandhi initiated a propaganda of non-violent activity as a new way to fight for India's freedom. Let us hope that the whole of India has accepted it and I would press both upon the Government and my revolutionary friends the utter futility of violence in any shape or form.

The Infraction of the Ordinance.

The new Ordinance Act is a misguided attempt to perpetrate violence upon the people. The whole of India has with one voice condemned it and I can not trust myself to express my feeling about it in fitting terms as I desire to speak with all restraint. I shall content myself by saying that I unhesitatingly condemn it and I have given the only answer which it is possible for any Indian to give to the recent speech of Lord Birkenhead inviting me to co-operate with the Government in its repressive policy.

You will remember that Lord Birkenhead said that the Ordinance has not hurt anybody but the criminals. May I point out that His Lordship here is begging the whole question. We deny that the men imprisoned under the Ordinance are criminals and the only way to decide as to whether they are criminals or not is to hold an open trial and proceed not on secret information but on actual evidence which might be tested in open Court. The insecurity to which eminent writers of Constitutional history in England have referred is the insecurity to the public by the attempt of the Executive to arrogate to itself the position of a Court of Law.

I will not weary you by dealing with each particular case which has been brought forward by the Government as a justification for the policy of repression. Pandit Motilal Nehru in his speech in the Legislative Assembly on the Bengal Ordinance on February 25 last has dealt with it exhaustively and I ask every one of you to read that speech if you have any doubt on the point that there has been put forward no instance upon which the Government can possibly substantiate this unjust claim. I must also point out that it is difficult to believe in the statement put forward in support of the repressive measures by the Government. I shall quote only one instance and I have done. Speaking of the arrest and detention of the nine Bengali gentlemen including Srijit Krishna Kumar Mitra and late Aswini Kumar Dutt on December 11, 1930, Lord Morley, the then Secretary of State, in his letter to Lord Minto stated as follows:—

"You have nine men locked up a year ago by *laure de casus* because you believed them to be criminally connected with these plots."

But let us hear what Sir Hugh Stephenson has to say on the point. It is only the other day that he said from his place in the Bengal Council:

"I should like to mention three cases which have been used in the press to throw doubts on the efficiency, if not on the bonafides of our methods. The first two are those of Baba Aswini Kumar Dutt and Baba Krishna Kumar Mitra. It has been said that no one will believe that they had anything to do with terrorist crime and that, therefore, the secret information of the police must have been false and Government may equally well be deceived by such false information now. I never knew Baba Aswini Kumar Dutt, but I am glad to think that Baba Krishna Kumar Mitra is a personal friend and I entirely acquit him of sympathy with terrorist crime. But as far as I know none has ever accused him or Baba Aswini Kumar Dutt of promoting crime, still less of taking part in it. The Bengal Government asked for the use of Regulation III in the case of Baba Aswini Kumar Dutt because of his whirlwind campaign of anti-Government speeches."

"Repression the Most Violent Form of Violence."

It follows conclusively that the discretionary power which the Government in this country enjoys of promulgating illegal laws is capable of being abused. Indeed, it must be so from the very nature of things. The history of the world shows that benevolent governments have always tried to consolidate their power through the process of "Law and Order" which is an excellent phrase, but which means, in countries where the rule of law does not prevail, the exercise by persons in authority of wide arbitrary or discretionary powers of constraint. Repression is a process in the consolidation of arbitrary power—and I condemn the violence of the Government—for repression is the most violent form of violence—just as I condemn violence as a method of winning political liberty. I must warn the Government that the policy of repression is a short-sighted policy. It may strengthen its hands for the time being, but I am sure, Lord Birkenhead realises that as an instrument of Government, it is bound to fail.

No Co-operation in an Atmosphere of Distrust.

I have so far dealt with the question of method in order to show that violence is both impracticable and inexpedient,—impracticable, because it is not in keeping with our life and culture, inexpedient, because it is inadvisable that at the present day we can overthrow any legitimate Government by bombs and revolvers. Then the question arises what method should we pursue in order to win Swaraj? We have been gravely told that Swaraj is within our grasp if only we co-operate with the Government in working the present Rangoon Act. With regard to that argument, my position is perfectly clear, and I should

like to restate it, so that there may be no controversy about it. If I were satisfied that the present Act has transferred any real responsibility to the people,—that there is opportunity for self-realisation, self-development and self-fulfilment under the Act, I would unhesitatingly co-operate with the Government and begin the constructive work within the Council Chamber. But I am not willing to sacrifice the substance for the shadow. I will not detain you to-day with any argument tending to show that the Reform Act has not transferred any responsibility to the people. I have dealt with the question exhaustively in my address at the Ahmedabad Congress, and if further arguments are necessary they will be found in the evidence given before the Muddiman Committee by men whose moderation can not be questioned by the Government. The basis of the present Act is distrust of the Ministers; and there can be no talk of co-operation in an atmosphere of distrust. At the same time, I must make clear my position—and I hope of the Bengal Provincial Conference—that provided some real responsibility is transferred to the people there is no reason why we should not co-operate with the Government. But to make such co-operation real and effective two things are necessary: first, there should be a real change of heart in our rulers, secondly, Swaraj in the fullest sense must be guaranteed to us at once, to come automatically in the near future. I have always maintained that we should make large sacrifices in order to have the opportunity to begin our constructive work at once; and I think you will realise that a few years are nothing in the history of a nation, provided the foundation of Swaraj is laid at once and there is a real change of heart both in the rulers and in the subject. You will tell me that "change of heart" is a fine phrase, and that some practical demonstration should be given of that change. I agree. But the demonstration must necessarily depend on the atmosphere created by any proposed settlement. An atmosphere of trust or distrust may be easily felt, and in any matter of peaceful settlement a great deal more depends on the spirit behind the terms than the actual terms themselves. It is impossible to lay down the exact terms of any such settlement at the present moment; but if a change of heart takes place and negotiations are carried on by both sides in the spirit of peace, harmony and mutual trust, such terms are capable of precise definition.

Offers to the Government.

A few suggestions may, however, be made having regard to what is nearest to the hearts of the people of Bengal.

In the first place, the Government should divest itself of its wide discretionary powers of constraint, and follow it up by proclaiming a general amnesty of all political prisoners. In the next place, the Government should guarantee to us the fullest recognition of our right to the establishment of Swaraj within the commonwealth, in the near future and that in the meantime till Swaraj comes a sure and sufficient foundation of such Swaraj should be laid at once. What is a sufficient foundation is and must necessarily be a matter of negotiation and settlement—settlement not only between the Government and the people as a whole, but also between the different communities not excluding the European and Anglo-Indian communities, as I said in my presidential speech at Gaya.

The Time for Civil Disobedience

I must also add that we on our part should be in a position to give some sort of undertaking that we shall not by word, deed, or gesture, encourage the revolutionary propaganda and that we shall make every effort to put an end to such a movement. This undertaking is not needed, for the Bengal Provincial Conference has never identified itself with the revolutionary propaganda. I believe that with a change of heart on the part of the Government, there is bound to be produced a change in the mental outlook of the revolutionary, and with a settlement such as I have described, the revolutionary movement will be a thing of the past, and the very power and energy which it now directed against the Government will be devoted to the real service of the people.

If, however, our offer of a settlement should not meet with any response, we must go on with our national work on the lines which we have pursued for the last two years so that it may become impossible for the Government to carry on the administration of the country except by the exercise of its exceptional powers. There are some who shrink this step, who point out with perfect logic that we have no right to refuse supplies unless we are prepared to go to the country and advise the subject not to pay the taxes. My answer is that I want to create the atmosphere for national civil disobedience, which must be the last weapon in the hands of the people striving for freedom. I have no use for historical precedents; but if reference is to be made to English history in our present struggle, I may point out that refusal to pay taxes in England in the time of the Stuarts came many years after the determination of the Parliament to refuse supplies. The

atmosphere for civil disobedience is created by compelling the Government to raise money by the exercise of its exceptional powers; and when the time comes we shall not hesitate to advise our countrymen not to pay taxes which are sought to be raised by the exercise of the exceptional powers vested in the Government.

I hope that time will never come—indeed I see signs of a real change of heart everywhere—but let us face the fact that it may be necessary for us to have recourse to civil disobedience if all hopes of reconciliation fail. But let us also face the fact that civil disobedience requires a high stage of organisation, an infinite capacity for sacrifice, and a real desire to subordinate personal and communal interest to the common interest of the nation; and I can see little hope of India ever being ready for civil disobedience until she is prepared to work Mahatma Gandhi's constructive programme to the fullest extent. The end, however, must be kept in view, for freedom must be won.

The Goal.

But, as I have said, I see signs of reconciliation everywhere. The world is tired of conflicts and I think I see a real desire for construction, for consolidation. I believe that India has a great part to play in the history of the world. She has a message to deliver, and she is anxious to deliver it in the Council Chamber of that great commonwealth of nations of which I have spoken. Will British statesmen rise to the occasion? To them I say, you can have peace to-day on terms that are honourable both to you and to us. To the British community in India, I say, you have come with traditions of freedom, and you cannot refuse to co-operate with us in our national struggle, provided we recognise your right to be heard in the final settlement. To the people of Bengal I say, you have made great sacrifices for daring to win political freedom, and on you has fallen the brunt of official wrath. The time is not yet for putting aside your political weapons. Fight hard, but fight clean; and when the time for settlement comes, as it is bound to come, enter the peace conference, not in a spirit of arrogance, but with becoming humility, so that it may be said of you that you were greater in your achievement than in adversity. Nationalism is merely a process in self-realisation, self-development and self-fulfilment. It is not an end in itself. The growth and development of nationalism is necessary so that humanity may realise itself, develop itself and fulfil itself; and I beseech you when you discuss the terms of settlement, do not forget the larger claim of humanity in your pride of nationalism. For myself, I have a clear vision as to what I seek. I seek a federation of the states of India: each free to follow, as it must follow, the culture and the tradition of its own people: each bound to each in the common service of all: a great federation within a greater federation, the federation of free nations, whose freedom is the measure of their service to man, and whose unity the hope of peace among the peoples of the earth.

FARIDPORE—3RD MAY 1925.

When the Bengal Provincial Conference assembled this afternoon, Mahatma Gandhi made a lengthy speech lasting for half an hour. After his speech was over one hundred leading delegates of the Anjuman Islamia came to the Conference and took their seats on the dais amidst prolonged cheers.

Mahatma Gandhi's Address

Mahatma Gandhi at the outset tendered his congratulations to the Subjects Committee for finishing their deliberations in harmony. It was an open secret that there were disputes, differences and discussions in connections with some of the resolutions that came up for discussion before the Subjects Committee, but all's well that ends well. He supposed that there were constitution-making assemblies everywhere and that such differences would continue till the end of time. If they were permitted to pry into the secrets of the British Cabinet they would find even there similar differences and discussions.

Need for Non-violence.

Continuing, he said that he had the pleasure and privilege of reading an English translation of Mr. C. R. Das's speech while in Calcutta. In it he found that Mr. Das had pilfered every word from him though the language was different. Mr. Das pilfered the thought but not the language from Mr. Gandhi. Some of them might think that it was not a recommendation because he had called himself a rustic weaver, a scavenger and also

a Namamandra. He did not want to read the language but the thought that was stated there. If they were true to the nation and true to the policy enunciated in Calcutta in 1920, then there was nothing in the address to civilise it. It was a re-enunciation of the policy laid down for the first time in the history of the Congress in 1920. In 1920 they chose to announce that in order to attain their goal, to attain Swaraj, they must follow non-violent and truthful means. If during the intervening period those who were engaged in shaping the national life had advocated that programme, it was because they had nothing else to offer. What more could they expect from them? They had complicated questions before them. As Hindus they had to deal with Muslims, Christians, Zoroastrians, Sikhs and the various sub-sects of the Hindus. How were they to achieve unity between those diverse elements, except means which were not open to question? The Bengalees would want to rule the whole of India; likewise the Gujerates and the Maharates would think in the same way. The Mussalmans would like to establish a new empire. There was no escape from these diverse elements except by non-violent and truthful means, because without that, he thought, they would be sitting on a mine which was likely to explode at any moment and that was why he had advocated a policy of non-violence and truthfulness. They might do anything they liked with their country after attaining Swaraj. He knew that the Bengalee youth was eager to die for the freedom of his country and was burning with love for her, but Gandhiji yielded to none of them in this respect.

Mr. Das's Address

Referring to Mr. Das's address Gandhiji asked if Mr. Das said anything new in it. Did he not say the same thing in his beautiful speech at Gaya? They knew how Mr. Das had been assailed, how many detractors he had, not merely among the Europeans but amongst his own countrymen and even in his own camp. He might have sat on the fence. He was impatient for Swaraj, but he understood their limitations. He could not hurl defiance at the British Throne. He admitted his incapacity and that of his countrymen. It required a strong arm to deliver the country. They had got to evolve not merely a capacity for dying or killing, but required the courage to live even in the face of odium, censure, neglect and boycott. It required some degree of courage even to live amidst storms and strife. How then were they to attain their freedom? Surely not by killing nor by dying, but by means of Hindu Muslim unity, the removal of untouchability and by the spinning wheel.

He prophesied that the day was drawing near and not now far off, when nobody would call him an idiot. The finest testimony that would be given to him was that he revived the cult of the charka. His future was ensured so long as he swore by the charka. Let him have the spinning wheel and he would spin Swaraj for India. They were not by nature idle, but circumstances made them idle. Not having used the wheel they considered it useless. He wanted Englishmen to read the heart of the masses, to understand their economies. The moment Englishmen began to think in terms of the masses Gandhiji would fall prostrate at their feet, because he knew their virtues and capacities. But he could not do so unless Englishmen developed along the right lines. What was the use of his speaking to Englishmen or speaking against them, if he charged them with the black crime of having robbed the country of the spinning wheel? But why should he charge them with this when his countrymen wanted to serve India through the Congress and make it a living organisation? He asked them to continue spinning and use khaddar not only on ceremonial occasions, but at home also. They should spin at least for half an hour a day. How could they attain Swaraj if they could not do this little practical thing? He reminded them that those who shirked from their duty should have no hand in shaping the destiny of the nation or in attaining Swaraj. He asked them to retain the yarn franchise, and to make it obligatory upon every man and woman.

Das-Birkenhead Negotiations

He next said that some of them considered that Mr. Das was carrying on a secret negotiation with the Government. So far as he knew there was no secrecy whatever about it. Lord Birkenhead had sent no secret message to Mr. Das. If they watched Mr. Das, he knew they would find the same man desiring deliverance for his country. That was the link that bound him with Mr. Das and which should bind the people with Mr. Das. After they had made the choice of their leader, like Sita they should fall into the fire with him and all would be well.

Resolutions

The following resolutions were passed by the Conference on the 3rd May :—

Self-Government Resolution

1. This Conference declares that the National Ideal of Swaraj involves the right of the Indian Nation to live its own life, to have the opportunity of self-realisation, self-development and self-fulfilment and the liberty to work for the consolidation of the diverse element which go to make up the Indian Nation, unimpeded and unobstructed by any outside domination.

2. That if the British Empire recognises such right and does not obstruct the realisation of Swaraj and is prepared to give such opportunity and undertakes to make the necessary sacrifices to make such rights effective, this Conference calls upon the Indian Nation to realise its Swaraj within the British Commonwealth.

3. This Conference further declares that for the acceptance and realisation by the Indian Nation of such an ideal it is absolutely necessary for the Government (a) To divest itself to its wide discretionary powers of constraint; (b) To release all the political prisoners; (c) To immediately guarantee to the Indian Nation its fullest recognition of the right of the people to establish Swaraj within the British Commonwealth in the near future; and (d) To lay the foundation of such Swaraj immediately, so that it may be possible for the people of the country to apply the resources of the State to the real work of construction and consolidation.

Government's Repressive Policy Condemned

4. (a) That until and unless those who are being detained under Regulation III of 1818 and the Ordinance are found guilty after public trial by the ordinary laws of the lands, this Conference expresses its conviction that they are not guilty of any violent activities; (b) This Conference condemns the recent repressive policy of the Government and declares that the Bengal Ordinance Act is a law-less law and an instance of wanton violence, unworthy of any Government which has the good of its subjects in view and an insult to the people of Bengal and destructive of this very law and order upon which it is stated to be based and expresses its conviction that not one of the prisoners arrested on the 25th October and declared to have been guilty of violent activities by Lord Reading and Lord Lytton had any connection with any violent movement.

5. That this Conference is further of opinion that it has been clearly established on the evidence of the principal incidents of the history of Bengal from 1906 down to the present day, that it is the repressive policy of the Government that has fostered the revolutionary spirit and urges that if the Government is really desirous of terminating the propaganda for violence, it should forthwith desist from the employment of *agents provocateurs* and abandon its repressive policy.

Release of Politicals Demanded

6. For the establishment of a peaceful atmosphere in the country, this Conference considers it absolutely necessary for the Government to release all the political prisoners and to allow those who are in exile for the same reasons to return to India.

All these resolutions were carried almost without discussion.

PARIDPORE—4TH MAY 1925.

On the 4th May the following resolutions were adopted without discussion and there were practically no speeches.

The first resolution referred to Tarbagar and condemned the action of the Brahman Savas in continuing the Civil suit pending in the High Court.

The next resolution related to village re-organisation.

The third resolution gave power to the so-called Depressed Classes to visit temples, to route Vedas, and to draw water from wells.

The next resolution urged that the ryots should stop paying illegal exactions and be empowered to erect buildings, dig tanks and cut trees. There were other resolutions, but as it began to rain and the delegates and visitors were drenched, the proceedings terminated hurriedly.

Maharashtra Provincial Conference

SATARA—1:TH MAY 1925.

Presidential Address

The following is an English summary of the presidential address delivered by Mr. Ramrao Deshmukh at the Maharashtra Provincial Conference held at Satara on the 11th May 1925 :—

Mr. Chairman and Delegates, I thank you gratefully for the honour you have done me. Though Berar and Maharashtra are one in their duties and one in their hearts, Berar is far from Satara and even if you had decided to bring a man from a distant province, you could have secured a fitter man than myself. Swarajist as I am, none should accept my opinions as belonging to the whole party. And as I am not a leader, the greater is the freedom with which I can express myself.

The last remnants of Maratha power and liberty are yet to be seen in Satara though the last vestige of the founders of the Maratha Empire, whose *Darshana* would have been a blessing to me, has just passed away. I think the fort of Pratapgad stands as a monument to inspire the coming generations. He whom the sight of Pratapgad and Ajinkyatara fails to stir with feelings of patriotism must really be a stone, be he a Brahman or a non-Brahman !

To my mind, the Provincial Conference is a place for discussing political matters and as such I prize the opportunity you have given me, an humble friend of Berar leaders, to take part in such deliberation. Myself being a stranger to Maharashtra, I leave to you the matters relating closely to your own province viz., your needs and your political situation and your faults without discussing them myself.

Present Situation.

Mr. Gandhi effected unity at Belgaum and it is owing to that fact that some scope is left in the Congress and its subordinate institutions for political thought. Otherwise, our whole political work would have begun and ended in counting the Tilak Swarajya Fund and in measuring the length in miles of yarn spun, in numbering how many untouchables took their seats on the carpets along with the touchables and in inventing a metre for calculating the degrees to which the Hindu Mahomedan quarrels rise or fall. But at Belgaum Swarajya Party was recognised as part of the Congress and therefore, struggle with the Government, though it be on national grounds, remained a topic for such political gatherings ; hence was it that the political colour of these bodies was maintained intact. Some one might object that struggle with Government on principles of reason cannot be the sole 'politics' of the country. True, but the whole creative power of the people depends upon reeducation. Where there is no appeal to intellect, there can be no activity. To be brief, I feel that to restrict reasoning or to keep aloof from it, is to renounce the springs of active forces.

Need for Co-ordination.

Before the birth of the new Reformed Indian Constitution, Indian politics was mainly sentimental and devoted to popular awakening. In those days public speeches, meetings, resolutions had great prominence. In 1930 the Reforms appeared and the electorate came into being; the majority of people's representatives in the Legislative Assembly and the Provincial Legislative Councils became a solid fact. Yet till the year 1933 the politics of India was one-sided or truncated. And it grew to its full development only when in that year the Swarajya Party saw the light of day. Some people imagined that the growth of the second half was the death of the first half, and even to-day some continue to think so. It is false to hold that the entry of Swarajya Party into Councils paralysed the other half. Swarajya Party has as much need of inside agitation as outside agitation. But it is not possible for one party to carry on both the agitations. Different mentalities of the men of light and leading in the country drove men to different parties and no one party had sufficient man-power to keep up the work. The division of workers is the only reason of the lull in politics. Thus the necessity of co-ordination of all the parties is urgently felt more than ever.

Question of Council Entry

Swarajya Party decided to contest the Council-elections and thus, on the one hand it lost its old friends who were afraid of the sin of Council-entry and on the other it incurred the wrath of the Moderates and the Non-Brahmans. Had the Swarajya Party not been deserted by the No-changers, it would not have cared for the moderate and the Non-Brahman opposition and by dint of its joint strength it would have established its majority both in the Legislative Assembly and three or more of the Provincial Councils.

All those who gave evidence before the Muddiman Committee—and there were Ministers, Non-Brahman leaders and Mahomedans among them—were of opinion that the present diarchical system was impracticable and that, therefore, it must be replaced by another of provincial autonomy. There were a few exceptions to that, no doubt, but they do not affect the general trend of evidence before the Committee. But among them there was not a single Swarajist and yet why should the Mahomedans, the Non-Brahmans and the Moderates even, depose that diarchy was a failure with one voice and why should they have demanded a mere substantial spare of powers? Were the Hindu Mahomedan quarrels then ended? Were the Extremists and the Moderates friends? Was the Brahman Non-Brahman controversy at an end? The obstructive policy of the Swarajists drove other parties to condemn diarchy; those who called it incomplete but were not prepared to stigmatise it as disappointing and unsatisfactory, began to find fault with the same. Could this have been possible, if the Swarajists had captured the Council? It cannot be denied that the Swarajya Party succeeded in transforming other parties into Oppositionists. This alone proves the work of the Swarajist in respect of intellectual conviction and active achievement. But what is the use of arguing with those whose idea of activism is folded in the Charkha and Charkha alone? The Bengal Ordinance was perhaps another game played by Government to gauge the effect of Swarajya Party on other parties. In that, too, Government have realized that Indians can no longer submit to any yoke it might think fit to impose.

Reading-Birkenhead Talk

Well, though the Montford Reforms have been exposed and though there remains no party in the land now to blindly lend its support to the Government, the question of the future is as insistent as ever. Every political party modifies its policy in accordance with that of the opposite party. To-day all eyes are turned towards Reading-Birkenhead discussions. For myself I do not think any thing of moment can come out of them. The maintenance of a strong army in India, the consolidation of pro-government parties and the safety of European affairs by the execution of the Lee Recommendations are the only cares of the Government to-day. The comforts of white officers were studied and supplied last year and this year attempts were successfully made to organise an Indian pro-government party. In the last year in the Indian Assembly a joint Nationalist party consisting of the Swarajists and the Independents was formed and the obstructive policy was nearly successful. But this year found the Nationalist party broken and the Independent party melted. Scarcely had all the parties joined hands to condemn the Montford Reforms, to repudiate the repressive policy pursued by Government when the policy of *divide et impera* was undertaken and this may be taken as an indication of the policy of the new age as it is called. To my mind, this policy of Divide and Rule will be still more ruthlessly followed after Lord Reading's return. My idea is that Government will decide its policy in accordance with the nature of the elections to councils in 1936. If the Moderates and the Independents are in the ascendant in the next elections, we might get Provincial autonomy. Then the Swarajists will have again to strengthen and organise themselves. It is also necessary to strengthen the hands of the Labour Party in England which may be at any time the dominant party in Parliament and which may give away any rights to Indians and thus put the Conservative Party in a false position. Thus from all points of view it is necessary for the Government to have at its back in 1927 a solid party of Indians and this alone will be the end of the so-called Reading-Birkenhead talk.

How to Strengthen the Congress

Is the Swarajya Party, then, to allow those parties which it has rendered unemployed, to organize themselves again in 1927? If that happen we will have to content ourselves with hollow Provincial Autonomy. The feeling of nationalism that has surged up in Indian minds cannot be satisfied and realised unless and until British Parliament is made to recognize the right of Indians to self-determination. In consideration of all these facts the Congress of 1925 ought to be of great importance. The self-determination of India depends on the co-ordination of the Congress and the Councils. As the electorate of the Councils is free for all kinds of people, so must the Congress-electorate be. He who consents in writing to the aims and the methods of the Congress must be a Congress-member. He should not have to pay any kind of subscription, either in yarn or in money. Looking at the thousands of spectators gathered at Nagpur, Mahatma Gandhi exclaimed that the Congress had really become a Congress of the masses! Can the Congress not belong to the masses if Congressmen take their seats on all representative institutions ranging from the village Panchayats to the Legislative Councils? The Congress-electorate is extended and if it begins to exercise its power over all the Council and the Panchayat electorates.

cannot than the Working Committee be as potent as the Executive Council of the Viceroy? If the Congress wants to establish parallel government, its membership of only eleven thousand is absolutely insufficient. It must be broad-based and I trust you will make suitable recommendations to the Congress with a view to that. Unless endeavours are made to strengthen the Congress in 1925, it will be moribund and the Congress itself will have removed the obstacles placed by the Swarajists in the path of the Government.

The Yarn Franchise

When the Congress adopted the yarn qualification, it was said that workers alone are entitled to be Congress-members. For that purpose the constitutions of Russian Bolshevik bodies were drawn upon. But it was forgotten that the Bolshevik bodies were secret societies, while the Congress was an open, political organisation. The latter must include even sympathisers. How can the definition of a worker be confined to a spinner? Yarn franchise is a measure of the spread of doctrine of Ahimsa. My humble request to Mahatmaji would be that he should now go out of the Congress. May his party be triumphant after a lapse of say ten or twenty thousand years! When Shivaji, Pratapsinha, Ranjitsinha, Shri Ram and Shri Krishna fail to follow you, oh, what can miserable men like ourselves do?

Confusion of Ideals

Untouchability, Hindu-Mahomedan disunity and Brahman-Non-Brahman controversy—these three problems are at present closely connected with Indian politics. Before 1920 the predominant thought of the country was to checkmate the Government and hence all parties could soon unite when the necessity for the same arose. Circumstances changed after that. The eyes of the people were turned from the Government to themselves and the people themselves were advised to find their faults, instead of levelling criticism at others. The result of this was that every one began to pick holes in another coat and the process assumed alarming proportions. Patience and forbearance were preached; penance of three weeks' fast was undergone, but all was to no purpose. Hindu-Moslem unity was possible in 1916. Without penance, in one night Lok. Tilak could bring about unity between the Hindus and the Mahomedans. And then too the Britisher's Government was working here as to-day. There is none to-day who is not confused to-day by these problems. Till 1920 these question had not assumed such great importance; because the thoughts of the people were directed by leaders to the rulers and hence the people were being inspired with patriotism.

Communal Problem

The question of Untouchability is national in the sense that, to hold six crores of people as untouchables is to place fetters of slavery upon them. But the questions of Hindu-Moslem unity and the Brahman—Non-Brahman controversy are not national in that light. Those Mahomedans and Non-Brahmans who are actuated by national thoughts do not raise the question at all. But to-day majority of Mahomedans and Non-Brahmans do not think nationally. There are Mahomedans who feel that their interests lie somewhere outside India and this feeling has increased apace during the last four years. Even national Mahomedan leaders like Barrister Jinnah, Maulana Haqat Mohani, Hakim Ajmal Khan and others had to advocate communal representation. At Coonada M. Mahomed Ali demanded the

untouchables for conversion to Islam. All these movements gave national importance to the movements of Hindu Sanghathan and Shudhi. For, is it not the present temper of the Mahomedans in favour of converting the whole to Mahomedanism? Real Nationalism is not the dominance of one religion over another. Real Nationalism is not the dominance of one caste over another. Real Nationalism is the maintenance of love and amity among them all and by means of that, the upholding of the whole nation's dignity. Under these circumstances who can bear the rule of one religion over another?

The Non-Brahmin Movement

Just as religious fanaticism has alienated the Mahomedans from Nationalism, so has social revolutionism made the Non-Brahmins somewhat anti-national. This Non-Brahmin Party think that there can be no political progress unless social reform is effected. But what social reform, in their opinion, means is difficult to comprehend. If they do not want the predominance of Brahmin priests, then that of their own priests is equally reprehensible. If they want to do away with the inequality among the various castes why should they then have the dominance of another caste instead of that of the Brahmin? Formerly there were some Lingayats and Jains in the Non-Brahmin Party. But now they have been driven away. Is it not just possible that these again might form a distinct group of their own against the Maharattas themselves? The same sin which the Non-Brahmins proclaim to have been committed by the Brahmins, will be attributed by the new Parties to the Non-Brahmins! If these Non-Brahmins really felt that there should be no caste-superiority, men like Prof. Lathe who is an educated Jain, and Mr. Chikodi who is an educated Lingayat, would not have been given over in the last Council-elections by them! Is it not clear that, had communal representation been granted to Non-Brahmins, the Jains, Lingayats, Telis and Malis would have got no share in it? Why should it then not be maintained that the Non-Brahmin Party was organised not to bring about equality of all castes, but to establish the superiority of one single group over others? No Non-Brahmin Party, in demanding communal representation, has ever maintained that at least one representative to every five or ten thousand of the other sub-castes be given. What would be the result of this arrangement if it were effected? In the Council election there will be such a confusion and so many quarrels that the Non-Brahmins themselves will decline such communal representation. It is from this despair and disgust, I think, that Nationalism will be born among the Non-Brahmin Party.

Boycott and Swadeshi

Delegates, so far, I have considered, according to my lights the political circumstances and the problems connected therewith. I have already told you that, though I am a Swarajist, my views are my own. I will now refer to the Swadeshi Boycott question and then close my address. Boycotts of British goods to the largest possible extent will not certainly and fully encourage native industries, but it will positively be an instrument for that work. But being enchanted with an Aladdin's lamp that was to bring Swarajya within one year, we gave up Boycott and embraced the Charkha! But why should we not practice Boycott against those who systematically destroyed our industries, showed the completest disregard of our trade and

commerce, endeavoured to suppress them so as never to rise again, and attempted to force the principle of Imperial Preference on India? If there is sin in this we must commit it and acquire the merit of national uplift. Well, keeping Boycott apart, at least Swadeshim ought to have spread under the protecting wings of love. But Swadeshim too came to be monopolised by the Charka! I want Indian industries to be developed by all means, by great and small industries. Swadeshi and Boycott form a weapon in the fight for Swarajya. But who can whisper this in the current Age of Love?

But these days, however, will pass and we will see once again harmony and peace established between the Mahomedans and the Hindus, Brahmans and the Non-Brahmins, and even the Untouchables will be actuated with feelings of patriotism. Shivaji was a Maharatta but was not born for the Maharattas alone. He was born to liberate India from bondage to effect the resurrection of Hinduism. I revered Lok. Tilak because he came into the world for the uplift of the whole Indian Nation. Who does not respect Mr. Baptista who is a Mahratta by caste, Christian by religion but national in his work? I trust that India will produce such leaders of national temperaments and the Nation will occupy a prominent place among other free nations of the world. I earnestly pray that golden time would soon dawn for us all!

Resolutions.

After the Presidential speech was over Mr. L. B. Bhopatkar moved the following resolution:—

"In view of the adverse effect of the yarn franchise on the membership of the Congress the Conference requests the All-India Congress Committee to recommend to the next Congress the abolition of the yarn franchise and to restore the old four-anna franchise".

Mr. V. J. Patel in a vigorous speech seconded the resolution. He said the yarn franchise was absurd. It had worked havoc and the prestige of the Congress was going down. It was said that numbers did not matter. It did matter. If it were so, he wanted the Congress to say that it had ceased to represent the country. According to him, the Congress was the only representative institution and it must have a vast number behind it who should have one aim and only one Swaraj.

A number of amendments were put opposing this resolution.

Mr. N. C. Kelkar in supporting it effectively answered the opposition and the resolution was in the end carried by a majority, all amendments being negatived.

Another resolution expressed pleasure at Dr. Besant's Commonwealth of India Bill and hoped it would be crowned with success.

SATARA-12TH MAY 1925.

At the second day's sitting of the Maharashtra Provincial Conference Mr. N. C. Kelkar moved the following most important resolution:—

The Conference deploras the present lull in the country and is emphatically of opinion that the same is due mainly though not entirely to the Congress having for some time ceased to have a political policy and programme of its own devoting itself as it has been doing exclusively to the

constructive programme which is essentially non-political and also to the absence of unity among the various political parties in the country.

"The Conference therefore recommends to the All-India Committee that in order to give fresh impetus to political life it is absolutely necessary that the political programme of the Swaraj party should be immediately taken up by the Congress as its own with such modification as necessary enabling the various political parties to join the Congress as at the time of the Amritsar Congress and thus present a united front to the Government in the present political struggle both inside and outside the Congress".

Mr. Kelkar in moving the resolution said that the Congress had a political programme in 1919 and again in 1921 but since then it became void of politics.

The resolution being put to vote was carried with acclamation.

President's Closing Speech

In his closing speech Mr. Deshmukh, the President, congratulated the Conference upon having carried the franchise resolution and Maharashtra on having disentangled itself from the "yarn net" and enthusiastically passing Mr. Kelkar's resolution regarding political programme and unity in the country. Referring to the no-changers' attitude he remarked that by keeping themselves aloof or boycotting the Conference they had actually practised violence. The Conference was then dissolved.

The U. P. Liberal Conference

CAWNPUR—10TH APRIL 1925.

The fifth session of the U. P. Liberal Conference was held on the 10th April 1925 at Cawnpore under the presidency of Pandit Hirdayanath Kunzru. A large number of delegates and visitors were present including Dr. Besant, Mr. Chintamani, Mr. Jajnadas Dwarkadas, Pandit Gokaran Nath Misra, Principal Sanjiva Rao and Sir Tej Bahadur Sapru.

Chairman's Speech

Rai Anand Swarup Bahadur, the Chairman of the Reception Committee, in his speech after welcoming the delegates to the great city of Cawnpore referred to the death of Sir Ashutosh Mukherjee, Bhupendra Nath Basu and Sir Gokuldas Parekh. Regarding the Provincial Budget Rai Anand Swarup Bahadur thanked the Government of India for reducing by 56 lakhs their contribution to the Central Government and said that the whole amount realised should be spent towards primary education, sanitation and rural communications etc. With regard to the military policy, he considered Indianisation of the army and military training of Indians to be an absolutely necessary preliminary to the success of self-Government. Referring to the Reforms the Rai Bahadur said the Liberals recognised that the Act was a distinct advance on the old system it replaced. The Liberals had no regrets to express and no apologies to offer for their part in the discussion that preceded the passing of the Act in the events that followed it. Regarding the majority report of the Muddiman Committee, he said that it had been unanimously condemned by the press and the platform. In conclusion the Rai Bahadur exhorted the Liberals to strengthen the party, to popularise it among the classes and masses by means of propaganda work, by speeches, distribution of tracts and pamphlets and by starting Hindi and Urdu dailies.

The messages of sympathy and regret for absence were received from the Rt. Hon'ble Mr. Srinivas Sastri and many others.

Presidential Address

Pandit Hirdayanath Kunzru then delivered his presidential address. After referring to the death of Mr. Montagu Pandit Kunzru dealt at considerable length with the question of the Reforms and traced their history during the last six years. These Reforms when initiated satisfied no political party in India. The speaker then quoted the views of Sir Stanley Reed, Lord Carmichael and Sir William Mayer who appeared as witnesses before the Joint Committee on the Government of India Bill particularly as regards the introduction of responsibility to legislature in the Central Government. The president then referred to the demands for further advances in the Reforms that led to the appointment of the Reforms Enquiry Committee. The speaker then dealt at length with the views contained in the majority and minority reports and referring to the system of dyarchy said that

strongest opponents of dyarchy were those who had experience of its working. He quoted Sir Chimanlal Setalvad who asked if he would try it with another Government replied "Certainly not." Mr. Kunzru added "It was impossible to give dyarchy another chance. Its defects were incurable and it could not live down its past."

Dealing with the working of the Reforms, Pt. Kunzru challenged the assertions of the U. P. Government that there had been deterioration in transferred subjects. He referred in details to the working municipalities in these provinces which were governed by an Act passed in the time of Sir James (Now Lord) Meston. Continuing the speaker said the Moderate deputation to England in 1919 pointed out the anomaly of allowing control over popular part of provincial executive to be exercised by a Government which remained wholly hureaucratic in character. Its demand for partial liberalisation of the Central Government was rejected on the ground that elected majority provided for in the Assembly would be able to substantial influence on the Government of India and in opening a new Indian Legislature. Lord Chelmsford and the Duke of Connaught assured them that the future would be very different from the past. The influence of the Assembly was perceptible while Mr. Montague was at the helm of Indian affairs but with his enforced resignation an unwelcome change came over the Government of India. The country has become accustomed to legislation by certification and conflicts between the Government of India and the Assembly are of frequent occurrence. An irremovable executive and an elected majority do not go together. Both to avoid deadlocks and to bring the Government of India into harmony with provincial Governments that portion of the Central Executive which deals with civil administration should be made responsible to the legislature. It has been generally suggested that until India is able to assume responsibility for her defence the Army and Foreign and Political Departments should, subject to certain safe-guards be left in the hands of the Governor-General. This reservation is, however, coupled with the condition that a scheme should be formulated to prepare Indians for defence of their motherland within a reasonable period of time. The authors of the minority report express their agreement with the proposals.

Concluding, the president said, "the situation in which we find ourselves to-day is one of no ordinary difficulty. Forces of reaction are, blocking the path of progress in every direction. The Empire which depends for its existence on the obliteration of all considerations of race is making race domination the corner stone of its policy. England is firmly declaring her resolve not to let British authority suffer any domination and is prepared to mortgage the future of India for contentment of European services. Only a United India can hope to repulse the determined attacks that are being made on her liberties and to renew its march on the road to self realisation".

CAWNPUR—12TH APRIL 1925.

Proceedings and Resolutions

The second day's session of the U. P. Liberal Conference was held on the 13th April. Pandit Hirdaynath Kunzru presided. There was a large attendance of delegates and visitors which included Sir Tej Bahadur Sapru Dr. Annie Besant, Mr. C. Y. Chintamani, Pandit Gokaran Nath Misra.

Thakur Hanuman Singh, Mr. H. H. Hussen, Dr. Shafat Ahmad Khan, Pandit Nanak Chand, Gokulchand Naurang and Munshi Ishwar Saran. The Proceedings of the Conference lasted for six hours.

After passing a resolution referring to the death of Mr. Montague, Mr. C. Y. Chintamani, ex-Minister of Industries, U. P., proposed a resolution expressing keen disappointment with the recommendations of Stores Purchase Committee and urging that the stores purchase department be not abolished. Mr. Chintamani dealt at length with the proceedings of the Committee and said that according to his information the report bore the signature of a report but had sent a minute of dissent. The Director of Industries who was Secretary of Committee was apparently not allowed to express his views and the report was only fit to be consigned to the waste paper basket.

The president then invited Dr. Annie Besant to address the Conference. Referring to the resolution dealing with self-Government Mrs. Besant said that Indians should be allowed complete control over internal affairs. She condemned propaganda work started by Lord Sydenham's party in England and America against Indians which was gross misrepresentation of affairs and was creating serious prejudices. She wished that recruitment of Englishmen for services in India especially for Indian Civil Service be stopped and urged that it was quite unfair on the part of the Britishers to ignore protests raised against the Lee Commission recommendations.

Babu Bisesurnath Srivastva proposed his resolution dealing with the military police of the government and urging a radical reform of the present policy and for the fullest opportunity for Indians to receive training and render service in all branches and ranks of defensive forces, there being no racial disqualification whatsoever. The resolution was seconded by Mr. P. N. Das of Mirzapur and passed.

The next resolution dealt with the problem of Indians Overseas and resented the continued attempts of the South African Government to make life intolerable to Indians and urged the Government of India to take action under the Reciprocity Act of 1924.

The Conference also resolved that emigration of Indian labour to the colonies should be stopped.

Another resolution dealt with the recommendations of the Lee Commission which were held to be incompatible with steady progress towards responsible Government.

The Conference further resolved that the campaign inaugurated in British Isles at the instance of the Secretary of State at India's expense to bring more non-Indian recruits into services as adding insult to injury.

Another resolution dealt with the Bengal Ordinance which was opposed.

Pandit Iqbal Narain Gurtu moved a resolution regarding working of Reforms in the United Provinces which ran as follows:—“(a) This Conference repudiates and protests against the allegations made by the Governor-in-Council in his despatches of 1923 and 1924 on the working of the works in these Provinces against the administration of transferred subjects and denies either that there has been any deterioration in these departments since they were placed in charge of Ministers or that their administration compares unfavourably with that of the reserved subjects by Governor-in-Council; (b) This Conference notes with appreciation that all Indian Members of Local Government have advocated complete responsible Government for these provinces”.

Pandit Gurtu quoted extracts from the despatch of the local Government dealing with the working of the transferred departments. He showed how references to the administration of Municipal Boards and District Board were unjustified and stated that reference to the lowering of the standard of education and efficiency by the Universities of the provinces was incorrect. Pandit Gurtu thought that these despatches were apparently the foundations for stifling development of the reforms when the proposed Committee of Enquiry visited India.

Dr. Shafat Ahmad Khan spoke in response to an invitation from the chair about the standard of education maintained by the Universities. The resolution after being further supported was passed.

The last resolution dealt with self-Government and read as follows :— (A) The Fifth United Provinces Liberal Conference records its keen sense of dissatisfaction with the report of the Reforms Enquiry Committee signed by Sir Alexander Muddiman and four other members as failing entirely to satisfy public opinion in regard to the urgency of the need for a revision of the constitution. Their conclusions are not supported by the weight of evidence tendered before the Committee while their recommendations leave the position very much as it is. (B) In the opinion of this Conference the facts revealed in the despatches of Provincial Governments and the written statements and the oral evidence before the Committee justify the view that the diarchical system has not worked and cannot work satisfactory and is inconsistent with either responsible Government or sufficient administration; and that the only alternative is unitary Government. (C) In the opinion of this Conference it is equally necessary that the Central Government should concurrently be made responsible to the Legislature in the field of Civil administration. As regards the Army and the Foreign and Political Departments this Conference is of opinion that (1) The statute itself should provide for a minimum of funds to be budgetted for a period of year, such minimum to be fixed and revised from time to time by a joint Committee of experts and members of the Legislature; (2) board for the Army beyond the minimum referred to above shall be subject to the vote of the Assembly; (3) further, in regard both to the budget and the general policy of the Army the Legislature shall have the power of discussion; (4) that in respect of these departments there should be an inquiry after ten years by a Committee on which Indians are adequately represented, to determine whether they should be transferred to the control of the Legislature. (D) This Conference highly appreciates the valuable service rendered by Sir Tej Bahadur Sarpu, Sir P. S. Sivaswamy Aiyar, Mr. M. A. Jinnah and Dr. R. P. Paranjpye by writing their admirable report.

It was proposed by Mr. C. Y. Chintamani and supported by Mr. Naurang of Lahore, Pandit Gokaram Nath Misra of Lucknow and Munshi Ishwar Saran of Allahabad and carried unanimously.

Sir Tej Bahadur Sarpu then proposed a vote of thanks to the President and took the opportunity of expressing his views on the present political situation. The president in concluding the session thanked the Chairman of the Reception Committee, Rai Bahadur Anand Swarup and the Secretaries for successfully organising the Conference.

The Kathiawad Political Conference.

The following is an English translation of Mahatma Gandhi's Presidential Address at the 3rd Kathiawad Political Conference held at Bhavnagar on the 8th January 1925.

Friends, the Presidentship of the Kathiawad Political Conference had been offered to me before I went to jail, but I had then refused to shoulder the responsibility attaching to that honourable position. As the reasons which then prompted my refusal do not exist any longer, I have accepted the honour now, though not without trepidation,—trepidation because there is a wide divergence between my own views and the views held by many, on political questions. Again the fact that I am President of the National Congress for the current year makes things rather awkward for me. That single burden is more than I can fairly discharge, and it would be almost too much for me during the year to undertake to guide the activities of this Conference in addition. If therefore presiding over your deliberations today implies any such responsibility, I may say that I am not at all in a position to do it justice. Moreover it would be unfair if the views which I express as President here are imputed to the Congress simply because I happen to lead it also.

It is necessary, therefore, for me to make it clear at the outset that my views about the Indian States have nothing to do with the views of the members of the Congress. My views are personal to me. They do not bear the imprimatur of the Congress.

If I have been deemed worthy to be President of this Conference, I think it is because I am a native of Kathiawad and also because I enjoy close relations with the workers in this Conference. It is only an accident that I happen to lead the Congress at present.

Before I come to the subject proper, I must place on record the demise of Bhai Mansukhlal. You all know about my relations with him. No wonder that you must feel his absence to-day; but I cannot disguise the fact that I feel it very keenly. The death of the poet Mr. Manishanker Ratnaji Bhatt is also equally a matter for sorrow to you and to me. I had not the privilege of knowing him intimately. It is no small thing that his assistance is no longer available to us. May God give to the families of both the patience to bear their loss and may the knowledge that we share their grief lighten their sorrow.

The Congress and Indian States.

I have often declared that the Congress should generally adopt a policy of non-interference with regard to question affecting Indian States. At a time when the people of British India are fighting for their own freedom, for them to interfere with the affairs of the Indian States would only be to betray importance. Just as the Congress clearly cannot have any effective voice in the relations between Indian States and the British Government, even so will its interference be ineffective as to the relations between the Indian States and their subjects.

Still the people in British India as well as in the Indian States are one, for India is one. There is no difference for example between the needs and the manners and customs of Indians in Baroda and of Indians in Ahmedabad. The people of Bhavnagar are closely related with the people

of Rajkot. Still, thanks to artificial conditions the policy of Rajkot may be different from that of Bhavnagar. The existence of different policies in connection with one and the same people is a state of things which cannot last for any length of time. Consequently even without any interference by the Congress, the unseen pressure of circumstances alone must lead to the unification of policies in spite of a multitude of separate jurisdictions. Our ability to reach unity in diversity will be the beauty and the test of our civilisation.

But I am firmly of opinion that so long as British India is not free, so long as the people of British India have not attained real power, that is to say, so long as British India has not the power of self-expression,—in a word so long as British India does not obtain Swaraj, so long will India, British as well as Native remain in a distracted condition. The existence of a third power depends upon a continuance of such distraction. We can put our house in order only when British India has attained Swaraj.

The status of Indian States under Swaraj

When Swaraj is attained what will things be like? There will be a relation of mutual aid and co-operation, and destructive conflict will be a thing of the past. British India under Swaraj will not wish for the destruction of the Indian States, but will be helpful to them. And the Indian States will adopt a corresponding attitude towards British India.

The present condition of Indian States is in my opinion somewhat pitiable. For the princes have no independence. Real power does not consist in the ability to inflict capital punishment upon the subjects, but in the will and the ability to protect the subjects against the world. Today Indian States do not have this ability, and consequently by misuse the will also is as good as gone. On the other hand their power to oppress the subjects appears to have increased. As there is anarchy in the Empire there is anarchy in the States subordinate to the Empire. The anarchy in the States is not so much due to the Princes and the Chiefs as it is very largely to the present condition of India.

The present condition of India being opposed to the laws of Nature, that is of God, we find disorder and unrest all over the country. I definitely hold that all will be well if one of the component parts of India becomes self-governing.

Who must begin?

Who then must take the first step? It is obvious that British India must lead the way. The people there have a consciousness of their horrible condition and a desire to be free from it, and as knowledge follows in the wake of desire, so those people only who wish to be rid of their peril will find out and apply the means of deliverance. I have therefore often said that the liberation of British India spells the liberation of the States as well. When the auspicious day of the freedom of British India arrives, the relation of ruler and ruled in the Indian States will not cease but will be purified. Swaraj as conceived by me does not mean the end of kingship. Nor does it mean the end of Capital. Accumulated capital means ruling power. I am for the establishment of right relations between capital and labour etc. I do not wish for the supremacy of the one over the other. I do not think there is any natural antagonism between them. The rich and the poor will always be with us. But their mutual relations will be subject to constant change. France is a republic, but there are all classes of men in France.

Let us not be deluded by catch-words. Every single corruption which we notice in India is equally present in the so-called highly civilised nations of the West if under a variety of names. It is distance that lends enchantment to the view; hence things Western become invested with a sort of

glamour in our eyes. In fact there are perpetual differences even in the West between the rulers and the ruled. There too people seek for happiness and suffer misery in return.

About the Indian States

Many Kathiawadis complain to me against the Princes and Chiefs of this beautiful country and take me to task for what they imagine to be my indifference. These impatient friends will perhaps not understand me when I say that I have not been indifferent, but have been seeking for and applying the remedies for the present disorders. I have staked my all in the movement for Swaraj in the hope that Swaraj is a certain cure for all our maladies. As darkness vanishes at sunrise, so when the sun of Swaraj rises the dark anarchy of rulers as well as of subjects will disappear in an instant.

Visits to Europe

The administration of Indian States is the subject of constant criticism from which this small province has not been free. There is one common complaint about the Princes and Chiefs. Their fondness for visits to Europe increases day by day. One can understand their going to Europe on business or for the acquisition of knowledge. But a visit to Europe in the search of mere pleasure would seem to be intolerable. When a prince passes most of his time outside his State, there is chaos in his State. We have seen that in this age of democracy and dissemination of knowledge no state or organisation which is not popular or beneficial to the people can continue to exist. Indian States are not immune from the operation of this law. Their administration will always be compared with that of the British now, and of the Swaraj Government when Swaraj has been established. King George cannot leave England without the consent of his ministers. And yet his responsibilities are not so great as those of Indian Princes. Indian Princes retain all power in their own hands. They make the appointment even to minor posts. Their permission is needed even for the construction of a bridge. In these circumstances their visits to Europe are very distasteful to their subjects.

The expenditure incurred on these visits is also intolerable. If the institution of kingship has a moral basis, Princes are not independent proprietors but only trustees of their subjects for revenue received from them. It can therefore be spent by them only as trust money. It may be said that this principle has been almost completely carried out in the English Constitution. In my humble opinion the lavish expenditure incurred by our princes in Europe is absolutely indefensible.

Sometimes this expenditure in Europe is sought to be justified on the plea that Princes go there for the benefit of their health. This plea is perfectly ludicrous. No one need, in the search of health leave a country where Himalaya, the king of mountains, exercises undisturbed sway, and which is watered by such mighty rivers as the Ganges, the Indus, and the Brahmaputra. A country where millions of men enjoy perfect health should be enough to supply the Princes' needs on that score.

Imitation of the West.

But perhaps the worst disadvantage of these excursions is the shallow imitation of the West by the Princes. We have much to learn and receive from the West, but there is also much in it which must be rejected. There is no reason to suppose that what suits the climate of Europe will equally suit all climates. Experience teaches us that different things suit different climates. The manners and customs of the West could be but ill-digested by the East, and vice versa. Among Western nations men and women dance together, it is said, with restraint and, as report goes, do not over-

step the bounds of decency although they indulge in spirituous liquors during the intervals of their dances. I need scarcely say what would be the consequence if we were to imitate this custom. How shameful to us is the case of an Indian prince which is being discussed in the newspapers just now in all its hideous detail?

Unchecked Expenditure.

Another complaint is made in connection with the unchecked expenditure of Princes and Chiefs. Much of this is difficult to defend. Princes may have the right to spend money on luxuries and pleasure within limit. But I take it that even they do not wish for unrestricted liberty in this matter.

Revenue System.

The revenue system in the States is also not free from blame. I am confident that their imitation of the British system has done a great injury to their subjects. The British revenue system may have a shadow of justification if we grant that it is morally right for a handful of Englishmen to maintain their hold over our country in any and every circumstance. There can be no such plea of compelling necessity in the case of the Indian Princes. They have nothing to fear from their subjects as their existence is never in danger. They do not need a large military force; no Prince has got this and the British would never permit it. Still they levy a taxation far beyond the capacity of the subjects to pay. I am pained to observe that our ancient tradition that revenue is intended only for popular welfare has been receiving but scant respect.

Abkari

The Princes' imitation of the British Abkari Department in order to increase their revenue is particularly distressing. It is said that Abkari is an ancient curse in India. I do not believe it to be so in the sense in which it is put. Princes in ancient times perhaps derived some revenue from the liquor traffic, but they never made the people the slaves of drink that they are now. Even granting that I am wrong that Abkari in its present form has been in existence from times immemorial, still I do not subscribe to the superstition that everything is good because it is ancient. I do not believe either that anything is good because it is Indian. He who runs may see that opium and such other intoxicants and narcotics stupify a man's soul and reduce him to a level lower than that of beasts. Trade in them is demonstrably sinful. Indian States should close all liquore shops and thus set a good example for the British administrators to follow. I congratulate the Kathiawad States which have tried to introduce this reform and I trust the day is not distant when there will be not a single liquor shop in our peninsula.

Special Cases

I constantly receive complaints against particular states for publication and criticism in *YOUNG INDIA* and *NAVAJIVAN*, but I do not propose to refer to them just now, nor have I referred to them in those journals. I prefer to be silent so long as I am not in possession of all facts and have not heard what the States in question have to say. I hope to be enlightened about these things in the Subjects Committee and if then I find it proper to say or to do anything, I would certainly move in the matter.

Khad and the Spinning wheel

There are two items in which we can expect full co-operation from the Indian States. At one time our national economics was this that just as we produced our own corn and consumed it so did we produce our own cotton, spin it in our homes and wear the clothes woven by our weavers

from our own yarn. The first part of this description is still true while the latter part has almost ceased to hold good. A man generally spends upon his clothing a tenth of what he spends upon his food; hence instead of distributing ten per cent of our income among ourselves we now send it to England or to our own mills. That means that we lose so much labour, and in the bargain spend money on our clothing and consequently suffer a twofold loss. The result is that we stint ourselves in the matter of food in order to be able to spend on clothing, and sink into greater and greater misery day by day. We are bound to perish if the twin industries of agriculture and spinning as well as weaving disappear from our homes or our villages. I will leave it to the members of the Conference to imagine what would be the consequence if all the villages under Bhavnagar were to order out their food and clothing from Bhavnagar. Still it is this unnatural procedure which we have adopted about our clothing. We either import our clothing from foreign countries or else get it from our mills. In either case it spells decay of our rural population.

Let us not be deluded by the example of the other countries which import their clothing from outside and still do not suffer economically. In the other countries if people give up spinning and weaving they take to some still more remunerative industry instead. We on the other hand gave up spinning and partly weaving and had nothing else to occupy the time thus left vacant.

For Kathiawad it is very easy to escape from the economic catastrophe. Our Princes can encourage the people by personal example, and induce them to re-instate khadi in their homes and thus arrest the progress of the ever deepening poverty of Kathiawad. In my view the starting of mills and ginning factories in Kathiawad will not make for the people's prosperity, but will be in the nature of a disaster. It is not a healthy sign that the middle class people are compelled to leave the peninsula in search of a livelihood. There is no harm if a few enterprising men leave Kathiawad in search of fortune; but it is shameful and disgraceful for the State, that their subjects being reduced to poverty should feel compelled to leave the country from pure helplessness. Whenever I have returned to Kathiawad after staying outside for sometime I have found that the people have been losing instead of gaining in stamina.

Fortunately the art of handspinning and handweaving are being received day by day and the importance of khadi is being realised. Will not the Princes and Chiefs help this movement? It will reflect no small credit on them if they educate the cultivators to stock cotton sufficient for the requirements of Kathiawad, and spread the use of khadi by wearing it themselves. All khadi need not be coarse. The Princes by encouraging handspinning and hand weaving can revive many arts and crafts connected with weaving. Royal ladies can spin fine yarn on wheels artistically painted and adorned with silver bells, get it woven into fine muslin and deck themselves with it. I have personally seen delicate varieties being woven in Kathiawad. That art has now nearly died out. Is it not the special duty of Princes to encourage such arts.

Untouchability.

Another extremely important question is that of untouchability. The suppressed classes perhaps suffer more in Kathiawad than in other parts of Greater Gujarat. They are harassed even in railways. To succour the distressed is the special mission of Princes. They are the natural champions of the weak. Will they not come to the aid of the suppressed classes? Princes live by the blessings of their subjects. Will they not enrich their own lives by earning the blessings of the suppressed? The Scriptures proclaim that there is no distinction between a Brahmin and

a Scavenger. Both have souls; both have five organs of sense. If they wish, the Princes can do much to ameliorate the condition of these classes and can remove untouchability by association with them in a religious spirit. Let them found schools and sink wells for the suppressed and find a throne in their hearts.

Why I have Criticised ?

I have not criticised the States for the sake of criticism. I know the Gandhi family has been connected with them for three generations. I have myself been witness to ministrations in three States. I remember that the relations of my father and my uncle with their respective States were perfectly cordial. As I believe that I am not devoid of the sense of discrimination, I am anxious to see only the good points of the States. As I have already said I do not desire their destruction. I believe that the States can do much good to the people. And if I have embarked upon criticism it is in the interests of the Princes as well as of their subjects. My religion is based on truth and non-violence. Truth is my God. Non-violence is the means of realising Him. In passing criticisms I have endeavoured to state the truth and have been actuated purely by the spirit of non-violence or love. I pray that the Princes and Chiefs may understand and accept my remarks in the same spirit.

Rama Rajya

My ideal of Indian States is that of Rama Rajya. Rama taking his cue from a washerman's remark and in order to satisfy his subjects abandoned Sita who was dear to him as life itself and was a very incarnation of pity. Rama did justice even to a dog. By abandoning his kingdom and living in the forest for the sake of truth Rama gave to all the kings of the world an object lesson in noble conduct. By his strict monogamy he showed that a life of perfect self-restraint could be led by a royal householder. He lent splendour to his throne by his popular administration and proved that Rama Rajya was the acme of Swaraj. Rama did not need the very imperfect modern instrument of ascertaining public opinion by counting votes. He had captivated the hearts of the people. He knew public opinion by intuition as it were. The subjects of Rama were supremely happy.

Such Rama Rajya is possible even to-day. The race of Rama is not extinct. In modern times the first Caliphs may be said to have established Rama Rajya. Abubaker and Hazrat Umar collected revenue running into crores and yet personally they were as good as FAKIRS. They received not a pie from the Public Treasury. They were ever watchful to see that the people got justice. It was their principle that one may not play false even with the enemy but must deal justly with him.

To the people

In my humble opinion I have done my duty to the Princes in saying a few words about them. A word now to the people. The popular saying, as is the king, so are the people, is only a half truth. That is to say it is not more true than its converse, as are the people so is the prince. Where the subjects are faithful a prince is entirely dependent upon them for his status. Where the subjects are overtaken by sleepy indifference, there is every possibility that the Prince will cease to function as a protector and become an oppressor instead. Those who are not wide awake have no right to blame their Prince. The Prince as well as the people are mostly creatures of circumstances. Enterprising princes and people mould circumstances for their own benefit. Manipulation consists in making circumstances subservient to ourselves. Those who will not heed themselves perish. To understand this principle is not to be impatient, not to reproach Fate, not to blame others. He who understands the doctrine of self-help blames

himself for failure. It is on this ground that I object to violence. If we blame others where we should blame ourselves and wish for or bring about their destruction, that does not remove the root cause of the disease which on the contrary sinks all the deeper for the ignorance thereof.

Satyagraha

We then see that the people themselves are as responsible as and even more responsible than the Princes for the defects pointed out by me. If public opinion is opposed to a particular line of action, it should be impossible for the Prince to adopt it. Opposition here does not mean merely inaudible murmur. Public opposition is effective only where there is strength behind it. What does a son do when he objects to some action of his father? He requests the father to desist from the objectionable course, i. e. presents respectful petitions. If the father does not agree in spite of repeated prayers, he non-cooperates with him to the extent even of leaving the paternal roof. This is pure justice. Where father and son are uncivilized, they quarrel, abuse each other and often even come to blows. An obedient son is ever modest, ever peaceful and ever loving. It is only his love which on due occasion compels him to non-cooperate. The father himself understands this loving non-cooperation. He cannot endure abandonment by or separation from the son, is distressed at heart and repents. Not that it always happens thus. But the son's duty of non-cooperation is clear.

Such non-cooperation is possible between a prince and his people. In particular circumstances it may be the people's duty. Such circumstances can exist only where the latter are by nature fearless and are lovers of liberty. They generally appreciate the laws of the State and obey them voluntarily without the fear of punishment. Reasoned and willing obedience to the laws of the State is the first non-cooperation.

The second is that of tolerance. We must tolerate many laws of the State, even when they are inconvenient. A son may not approve of some orders of the father and yet he obeys them, it is only when they are unworthy of tolerance and immoral that he disobeys them. The father will at once understand of such respectful disobedience, in the same way it is only when a people have proved their active loyalty by obeying the many laws of the State that they acquire the right of Civil Disobedience.

The third lesson is that of suffering. He who has not the capacity of suffering cannot non-cooperate. He who has not learnt to sacrifice his property and even his family when necessary can never non-cooperate, it is possible that a prince enraged by non-cooperation will inflict all manner of punishments. There lies the test of love, patience, and strength. He who is not ready to undergo the fiery ordeal cannot non-cooperate. A whole people cannot be considered fit for ready for non-cooperation when only an individual or two have mastered these three lessons. A large number of the people must be thus prepared before they can non-cooperate. The result of hasty non-cooperation can only lead to harm. Some patriotic young men who do not understand the limitations noted by me grow impatient. Previous preparation is needed for non-cooperation as it is for all important things. A man cannot become a non-cooperator by merely wishing to be one. Discipline is obligatory. I do not know that many have undergone the needful discipline in any part of Kathiawad. And when the requisite discipline has been gone through probably non-cooperation will be found to be unnecessary.

As it is, I observe the necessity for individuals to prepare themselves in Kathiawad as well as in other parts of India. Individuals must cultivate the spirit of service, renunciation, truth, non-violence, self-restraint, patience etc. They must engage in constructive work in order to develop these

qualities. Many reforms would be effected automatically if we put in a good deal of silent work among the people.

The Politicals.

Kathiawad is famous for its political class. This class affects an exaggerated politeness and consequently it has developed hypocrisy, timidity and sycophancy. They are an educated body of men and therefore they must become the pioneers in reforms. They can do much for the people if they wish. We find contentment among the people in places where these political officials are men of character. Needless to say that my remarks apply to the politicals as a class. I do not wish to suggest that they apply to every member of that class. On the contrary, I know that some of the best of workers are drawn from this. Hence I have never lost hope about this class. Much good might result if only it serves the States not for making money but for pure service.

Other Classes.

Again constructive service is easy for those who not serving the States have adopted an independent profession. I am anxious to see them develop the qualities mentioned above. We want silent workers and pure fighters who would merge themselves among the people. Workers of this description can be counted on one's fingers. Is there even one such worker for every village in Kathiawad? I know the answer is in the negative. The class of people who will read this will hardly have any idea of rural life. Those who have some idea of it will not like it. Still, India and hence Kathiawad lives in the villages.

The Spinning Wheel.

How is this service to be rendered? Here I give the first place to the spinning wheel. I have heard much against it. But I know the time is near when the very thing which is being abused to-day will be worshipped as Sudarshon Chakra. I am confident that if we do not take it up voluntarily the force of circumstances will compel us. The study of Indian economics is the study of the spinning wheel. It is the *sine qua non* for the revival of our languishing village industries. I do not look upon hand-spinning as an occupation but as a duty incumbent upon followers of all religious sects and denominations.

An American writer says that the future lies with nations that believe in manual labour. Nations are tired of the worship of lifeless machines multiplied ad infinitum. We are destroying the matchless living machines viz. our own bodies by leaving them to rust and trying to substitute lifeless machinery for them. It is a law of God that the body must be fully worked and utilised. We dare not ignore it. The spinning wheel is the auspicious symbol of Sharr Yajna—body labour. He who eats his food without offering the sacrifice steals it. By giving up this sacrifice we become traitors to the country and banged the door in the face of the Goddess of Fortune. The numerous men and women in India whose bodies are mere skeletons bear witness to this. My revered friend Mr. Shastriar says I am interleging even in the people's choice of their dress. This is perfectly true. It is the duty of every servant of the nation to do so whenever it becomes necessary. I would certainly raise my voice against it, if the nation takes, (say), to the pantloom. It is wholly unsuited to our climate. It is the duty of every Indian to raise his voice against the nation using foreign cloth. The opposition really is not to the cloth being foreign but to the poverty which its importation brings in its train. If the nation gives up its Jawar and Bajra and imports oats from Scotland or rye from Russia I would certainly intrude into the nation's kitchen, would scold it to the full and even sit dharna and make the agency of my soul heard. Such

intrusions have even happened within recent times. During the late diabolical war in Europe people were compelled to raise particular crops, and the States controlled the food and drink of their subjects.

Those who wish to serve in the villages cannot but take up the study of the spinning wheel. Hundreds and even thousands of young men and women can earn their livelihoods by its means and doubly repay the nation for it. This work means organisation and familiarity with every villager to whom one could easily impart a rudimentary knowledge of economics and politics. The work might also include the true education of the village children and give one an insight into the many wants and shortcomings of villages.

Not only is there no conflict possible between a Prince and his subjects in this khadi work, but on the other hand their relations might be expected to become cordial. The fulfilment of this expectation is conditional on the workers' humility. I am therefore neither ashamed nor do I hesitate in asking this Political Conference to give prominence to the spinning wheel.

The Suppressed Classes

Such also is the work among untouchables. It is the bounden duty of all Hindus to remove untouchability. Here also no interference need be feared from any Prince. I firmly believe that Hindus would regain the strength of soul if by serving the suppressed and receiving their hearts' blessing they carried on a process of self-purification. Untouchability is a great blot on Hinduism. It is necessary to remove that blot. The Hindu who serves the suppressed will be a saviour of Hinduism and will enshrine himself in the hearts of his suppressed brothers and sisters.

Power is of two kinds. One is obtained by the fear of punishment and the other by arts of love. Power based on love is a thousand times more effective and permanent than the one derived from fear of punishment. When the members of this Conference will prepare themselves by loving service they will acquire the right to speak on behalf of the people and no Prince will be able to resist them. Then only is there an atmosphere for non-co-operation, if it ever becomes necessary.

But I have faith in the Princes. They will at once recognise the force of such enlightened and forceful public opinion. After all the Princes too are Indians. This country is all in all to them as it is to us. It is possible to touch their hearts. I for one do not think it difficult to make a successful appeal to their sense of justice. We have never made an earnest effort. We are in a hurry. In conscientiously preparing ourselves for service lies our victory, the victory of Prince, as well as the people.

Hindu-Muslim Unity

The third question is that of Hindu-Muslim Unity. I have one or two letters from Kashiawad which show that this question is exercising some minds even in Kashiawad. I need scarcely say that there must be unity between Hindus and Mussalmans. No worker dare ignore any single part of the nation.

My Field of Labour

I know that to many my speech will appear incomplete and even insipid. But I cannot give any practical or useful advice by going outside my province. My field of labour is clearly defined and it pleases me. I am fascinated by the law of love. It is the philosopher's stone for me. I know Ahimsa alone can provide a remedy for our ills. In my view the path of non-violence is not the path of the timid or the unmanly. Ahimsa is the height of Kshatriya Dharma as it represents the climax of fearlessness. In it there is no scope for flight or for defeat. Being a quality of the soul

It is not difficult of attainment. It comes easily to a person who feels the presence of the soul within. I believe that no other path but that of non-violence will suit India. The symbol of that DHARMA for India is the spinning wheel as it alone is the friend of the distressed and the giver of plenty for the poor. The law of love knows no bounds of space or time. My Swaraj, therefore, takes note of Bhangle, Dheds, Dubas and the weakest of the weak, and except the spinning wheel I know no other thing which befriends all these.

I have not discussed your local questions of which I have not sufficient knowledge. I have not dealt with the questions of the ideal constitution for the States as you alone can be its fashioners. My duty lies in discovering and employing means by which the nation may evolve the strength to enforce its will. When once the nation is conscious of its strength it will find its own way or make it. That Prince is acceptable to me who becomes a Prince among his people's servants. The subjects are the real master. But what is the servant to do if the master goes to sleep? Everything, therefore, is included in trying for a true national awakening.

Such being my ideal there is room for Indian States in Swaraj as conceived by me and there is full protection guaranteed to the subjects for their rights. The true source of rights is duty. I have therefore spoken only about the duties of Princes as well as the peoples. If we all discharge our duties, rights will not be far to seek. If leaving duties unperformed we run after rights, they will escape us like a will o' the wisp. The more we pursue them the farther will they fly. The same teaching has been embodied by Krishna in the immortal words: 'Action alone is thine. Leave thou the fruit severely alone.' Action is duty; fruit is the right.

